

EXHIBIT DDD

David Watkins Deposition

| Page 1 | Page 3 |
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| <p>1 UNITED STATES DISTRICT COURT</p> <p>2 FOR THE SOUTHERN DISTRICT OF TEXAS</p> <p>3 HOUSTON DIVISION</p> <p>4 UNITED STATES OF : AMERICA :</p> <p>5 VS. : CIVIL ACTION NO. 4:18-CV-00644</p> <p>6 CITY OF HOUSTON :</p> <hr/> <p>7 JANE DRAYCOTT AND : PAULA KEYES :</p> <p>8 VS. : CITY OF HOUSTON :</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 ORAL DEPOSITION OF</p> <p>15 DAVID EVANS WATKINS</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 September 19, 2019 Houston, Texas</p> <p>24</p> <p>25 REPORTED BY: Craig Michael Bechtel</p> | <p>1 A P P E A R A N C E S</p> <p>2 COUNSEL FOR PLAINTIFF UNITED STATES OF AMERICA:</p> <p>3 Mr. Hector F. Ruiz, Jr. Mr. Jeremy P. Monteiro U.S. Department of Justice Civil Rights Division 601 D Street, NW, Room 4500 Washington, DC 20004 hector.ruiz@usdoj.gov jeremy.monteiro@usdoj.gov</p> <p>4</p> <p>5</p> <p>6 and</p> <p>7</p> <p>8 Ms. Elizabeth F. Karpati Mr. Keith Edward Wyatt U.S. Department of Justice Southern District of Texas 1000 Louisiana, Suite 2300 Houston, Texas 77002 713-567-9767 elizabeth.karpati@usdoj.gov keith.wyatt@usdoj.gov</p> <p>9</p> <p>10</p> <p>11</p> <p>12 COUNSEL FOR PLAINTIFFS JANE DRAYCOTT AND PAULA KEYES:</p> <p>13 Mr. Nasim Ahmad (VIA TELEPHONE) Ahmad & Capodice 24900 Pitkin, Suite 300 The Woodlands, Texas 77386 832-767-3207 nahmad@ahmad-capodice.com</p> <p>14</p> <p>15</p> <p>16 COUNSEL FOR DEFENDANT:</p> <p>17 Ms. Marjorie L. Cohen City of Houston Legal Department 900 Bagby, 3rd Floor Houston, Texas 77002 832-393-6457 marjorie.cohen@houston.tx.gov</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |
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| <p>1 I N D E X</p> <p>2 PAGE</p> <p>3 Appearances..... 3</p> <p>4 Stipulations..... 4</p> <p>5 Testimony of DAVID EVANS WATKINS</p> <p>6 EXAMINATION</p> <p>7 By Mr. Ruiz 5</p> <p>8 Correction and Signature Page..... 144</p> <p>9 Reporter's Certificate Page..... 146</p> <p>10</p> <p>11 EXHIBIT INDEX</p> <p>12</p> <p>13 PAGE</p> <p>14 Exhibit No. 1..... 27</p> <p>15 Exhibit No. 2..... 49</p> <p>16 Exhibit No. 3..... 54</p> <p>17 Exhibit No. 4..... 64</p> <p>18 Exhibit No. 5..... 81</p> <p>19 Exhibit No. 6..... 85</p> <p>20 Exhibit No. 7..... 98</p> <p>21 Exhibit No. 8..... 102</p> <p>22 Exhibit No. 9..... 111</p> <p>23 Exhibit No. 10..... 114</p> <p>24 Exhibit No. 11..... 117</p> <p>25 Exhibit No. 12..... 121</p> | <p>1 THE ORAL DEPOSITION OF DAVID EVANS WATKINS was</p> <p>2 taken by PLAINTIFF UNITED STATES OF AMERICA before Craig</p> <p>3 Michael Bechtel, a Certified Shorthand Reporter in and</p> <p>4 for the State of Texas, in the offices of the City of</p> <p>5 Houston Legal Department, 900 Bagby, 3rd Floor, Houston,</p> <p>6 Texas, between the hours of 9:21 a.m. and 2:44 p.m., on</p> <p>7 September 19, 2019, pursuant to Notice and the Federal</p> <p>8 Rules of Civil Procedure and the following stipulations</p> <p>9 and waiver of counsel:</p> <p>10</p> <p>11 IT IS STIPULATED AND AGREED by and between</p> <p>12 counsel for the respective parties hereto that all</p> <p>13 objections are reserved until the time of trial, except</p> <p>14 those as to the form of the question and/or</p> <p>15 responsiveness of the answer; that the Federal read-in</p> <p>16 is waived.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |

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| <p style="text-align: right;">Page 5</p> <p>1 DAVID EVANS WATKINS,</p> <p>2 having been first duly sworn, testified as follows:</p> <p>3 EXAMINATION</p> <p>4 BY MR. RUIZ:</p> <p>5 Q. Good morning, sir. My name is Hector Ruiz.</p> <p>6 I am an attorney with the Department of Justice. I am</p> <p>7 in the civil rights division from Washington, D.C.</p> <p>8 To my left is my colleague, Jeremy</p> <p>9 Monteiro. He is also with the civil rights division of</p> <p>10 the Department of Justice.</p> <p>11 We are here today in the case of the</p> <p>12 United States versus the City of Houston, Texas, okay?</p> <p>13 On the phone is Nasim Ahmad. He</p> <p>14 represents Jane Draycott in her personal capacity, and</p> <p>15 Ms. Draycott has filed a plaintiff intervention in this</p> <p>16 matter, okay?</p> <p>17 Do you understand that you are here to</p> <p>18 be deposed with respect to the cases that I have just</p> <p>19 described?</p> <p>20 A. Yes.</p> <p>21 Q. Would you please state and spell your name?</p> <p>22 A. My name is a David Evans Watkins.</p> <p>23 D-a-v-i-d; E-v-a-n-s; Watkins, W-a-t-k-i-n-s.</p> <p>24 Q. Thank you. Is it okay if I refer to you as</p> <p>25 captain Watkins?</p> | <p style="text-align: right;">Page 7</p> <p>1 THE WITNESS: Thank you.</p> <p>2 MS. KARPATI: I am Elizabeth Karpati</p> <p>3 with the U.S. attorney's office.</p> <p>4 THE WITNESS: Can you spell your last</p> <p>5 name for me?</p> <p>6 MS. KARPATI: K-a-r-p-a-t-i.</p> <p>7 THE WITNESS: Thank you.</p> <p>8 MS. KARPATI: First name, Elizabeth.</p> <p>9 BY MR. RUIZ:</p> <p>10 Q. Captain Watkins, have you ever had your</p> <p>11 deposition taken before?</p> <p>12 A. Yes.</p> <p>13 Q. When was the last time?</p> <p>14 A. Probably -- I am just estimating.</p> <p>15 Q. Approximation is fine, sir.</p> <p>16 A. 2014.</p> <p>17 Q. The deposition, would it have been in</p> <p>18 connection with your work with the Houston Police</p> <p>19 Department?</p> <p>20 A. Yes.</p> <p>21 Q. In 2014 were you assigned to the office of</p> <p>22 inspector general?</p> <p>23 A. No.</p> <p>24 Q. You were working in a different division at</p> <p>25 that time?</p> |
| <p style="text-align: right;">Page 6</p> <p>1 A. Yes, that's fine.</p> <p>2 Q. Captain was the last rank you held with the</p> <p>3 Houston Police Department?</p> <p>4 A. That is correct.</p> <p>5 Q. Thank you very much. Sir, I am -- sometimes</p> <p>6 we ask where a person resides, lives, but since you are</p> <p>7 a Houston police officer, I am not going to ask for</p> <p>8 that on the record.</p> <p>9 You were served a subpoena that was --</p> <p>10 A. Yes, I was.</p> <p>11 Q. -- a delivered subpoena. Was that at your</p> <p>12 home it was delivered?</p> <p>13 A. Yes, it was.</p> <p>14 Q. The address on your subpoena, was that your</p> <p>15 correct home address?</p> <p>16 A. That is correct.</p> <p>17 Q. Thank you. I am going to go over some --</p> <p>18 before I continue, I am going to let you know who</p> <p>19 entered the room, okay?</p> <p>20 A. Thank you.</p> <p>21 Q. To my left is Keith Wyatt. He is an</p> <p>22 assistant United States attorney here in Houston with</p> <p>23 the --</p> <p>24 A. Keith Wyatt?</p> <p>25 MR. WYATT: K-e-i-t-h, W-y-a-t-t.</p> | <p style="text-align: right;">Page 8</p> <p>1 A. That's correct. That was in relation to the</p> <p>2 crime lab recovery project, which I was also assigned</p> <p>3 to.</p> <p>4 Q. I am going to cover some rules for today's</p> <p>5 deposition, and it's just so that the court reporter</p> <p>6 here can get a clean record of what you and I discuss,</p> <p>7 okay?</p> <p>8 A. Okay.</p> <p>9 Q. If you don't understand a question, please</p> <p>10 let me know, and I will either have the court reporter</p> <p>11 read back the question or I will rephrase the question.</p> <p>12 If you don't hear my question, please</p> <p>13 say so. I will either have the court reporter read the</p> <p>14 question back or I will restate it.</p> <p>15 If -- to ensure a clean transcript,</p> <p>16 please wait until I finish my question. I will do my</p> <p>17 best to let you complete your answer before I start my</p> <p>18 next question. And that's to ensure that the court</p> <p>19 reporter gets a clean transcript.</p> <p>20 Do you understand that?</p> <p>21 A. Yes.</p> <p>22 Q. Unless the City attorney instructs you not</p> <p>23 to answer a question, you should answer the question.</p> <p>24 Do you understand that?</p> <p>25 A. Yes.</p> |

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| <p style="text-align: right;">Page 9</p> <p>1 Q. If you need a break, please let me know.</p> <p>2 All I ask is that if there is a question pending, that</p> <p>3 the question be answered before we take a break. Is</p> <p>4 that fair?</p> <p>5 A. Yes.</p> <p>6 Q. Captain Watkins, is there anything that</p> <p>7 prevents you from testifying completely today,</p> <p>8 completely -- let me rephrase -- testifying fully and</p> <p>9 truthfully today?</p> <p>10 A. No.</p> <p>11 Q. Are you represented today by counsel?</p> <p>12 A. Yes.</p> <p>13 Q. Who are you represented by?</p> <p>14 A. Marjorie.</p> <p>15 Q. What have you done to prepare for this</p> <p>16 deposition?</p> <p>17 A. I reviewed cases for OIG case 09-407 and I</p> <p>18 think it's 09-424.</p> <p>19 Q. When you say you reviewed cases 09-407 and</p> <p>20 09-424, are those investigations that were conducted by</p> <p>21 the Houston Police Department's office of inspector</p> <p>22 general?</p> <p>23 A. That's correct.</p> <p>24 Q. What do you mean you reviewed the cases?</p> <p>25 A. I read the case file that was photocopied</p> | <p style="text-align: right;">Page 11</p> <p>1 Q. I am sorry, sir. So where did you review</p> <p>2 this material?</p> <p>3 A. I reviewed it Thursday and Friday -- let's</p> <p>4 see. Thursday and Friday of last week, so that would</p> <p>5 be the -- I don't recall the date. It would be -- I</p> <p>6 would have to look it up on the calendar.</p> <p>7 Q. I understand. It was last Thursday and last</p> <p>8 Friday?</p> <p>9 A. That's correct.</p> <p>10 Q. You said the material was photocopied for</p> <p>11 you?</p> <p>12 A. Yes.</p> <p>13 Q. Who photocopied the material for you?</p> <p>14 A. I received it from the City legal</p> <p>15 department.</p> <p>16 Q. Was there a specific person you received it</p> <p>17 from?</p> <p>18 A. I received it from someone by the name of</p> <p>19 Shirley Jones, who works for Deidra Sullivan.</p> <p>20 Q. Was it delivered to you, sir?</p> <p>21 A. Yes.</p> <p>22 Q. At your home?</p> <p>23 A. No. It was here.</p> <p>24 Q. Here. You came to pick it up?</p> <p>25 A. Yes.</p> |
| <p style="text-align: right;">Page 10</p> <p>1 for me for my review.</p> <p>2 Q. What is included in a case file?</p> <p>3 A. The investigative synopsis, the</p> <p>4 investigation itself, and any exhibits that are</p> <p>5 attached to that investigation.</p> <p>6 Q. The investigative synopsis. You said the</p> <p>7 investigative exhibits? I am sorry. Is that what you</p> <p>8 said?</p> <p>9 A. The investigation itself.</p> <p>10 Q. The investigation itself?</p> <p>11 A. The exhibits. I would add the record of</p> <p>12 complaint that initiates the investigation.</p> <p>13 Q. Does it also include an investigative</p> <p>14 report?</p> <p>15 A. Yes, that's what the investigation is. It's</p> <p>16 an investigation report, yes.</p> <p>17 Q. Thank you. There is an investigative</p> <p>18 report, investigative synopsis, the investigation</p> <p>19 itself, exhibits that are relevant to the</p> <p>20 investigation, and the record of complaint?</p> <p>21 A. That's correct.</p> <p>22 Q. Is there anything else in the case file that</p> <p>23 you reviewed?</p> <p>24 A. Inspector general standard operating</p> <p>25 procedure manual.</p> | <p style="text-align: right;">Page 12</p> <p>1 Q. When you came to pick it up, did you meet</p> <p>2 with anybody?</p> <p>3 A. Deidra Sullivan.</p> <p>4 Q. How long did you meet with Ms. Sullivan for?</p> <p>5 A. I don't recall. Probably a little over an</p> <p>6 hour.</p> <p>7 Q. Other than the materials that you have</p> <p>8 described to me, is there any other material that you</p> <p>9 were provided by the City before this deposition?</p> <p>10 A. No.</p> <p>11 Q. Other than reviewing the case file, sir, is</p> <p>12 there anything else you have done to prepare for</p> <p>13 today's deposition?</p> <p>14 A. No.</p> <p>15 Q. So in reviewing the material that you have</p> <p>16 described today, did you take notes?</p> <p>17 A. No.</p> <p>18 Q. Did you apply any kind of Post-It notes to</p> <p>19 the materials that you reviewed?</p> <p>20 A. Yes.</p> <p>21 Q. Did you bring those materials with you</p> <p>22 today?</p> <p>23 A. Yes.</p> <p>24 Q. Where are those materials now?</p> <p>25 A. I returned them to the legal department.</p> |

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| <p style="text-align: right;">Page 13</p> <p>1 Q. Did those materials help you prepare for</p> <p>2 today's deposition?</p> <p>3 A. Did the material itself?</p> <p>4 Q. Yes, sir.</p> <p>5 A. It helped refresh my memory.</p> <p>6 Q. Fair enough. Why did you put Post-It notes</p> <p>7 on different materials?</p> <p>8 A. I am getting older, and I tend to forget</p> <p>9 things. It's always good to make a reference.</p> <p>10 As I run through the material the first</p> <p>11 time, I then put a Post-It note so I can go back and</p> <p>12 take a second look.</p> <p>13 Q. Those materials, you brought them with you</p> <p>14 today. Is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. And who did you give them to?</p> <p>17 A. I gave them to Marjorie.</p> <p>18 MR. RUIZ: I would like to take a look</p> <p>19 at those material right now.</p> <p>20 MS. COHEN: Okay.</p> <p>21 MR. RUIZ: Including the Post-It notes</p> <p>22 that he had put in there for his reference.</p> <p>23 MS. COHEN: You will have to go off the</p> <p>24 record.</p> <p>25 MR. RUIZ: Go off the record.</p> | <p style="text-align: right;">Page 15</p> <p>1 A. Yes.</p> <p>2 Q. Thank you. Now, I am going to ask you some</p> <p>3 questions relating to the representation that you</p> <p>4 stated -- or the -- about the City representing you,</p> <p>5 specifically the person to your right, Marjorie, okay?</p> <p>6 When did the City start representing</p> <p>7 you?</p> <p>8 A. Well, I would assume the City started</p> <p>9 representing me back when I was employed by the City.</p> <p>10 Q. You are no longer employed with the City.</p> <p>11 Is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. When did your employment with the City</p> <p>14 conclude?</p> <p>15 A. I retired on -- in August 2016. I am on</p> <p>16 what's called phase down, which is a term for -- I</p> <p>17 still receive pay from the City until that exhausts my</p> <p>18 leave bank, which will end in about three years.</p> <p>19 Q. Do you have a written agreement with the</p> <p>20 City regarding representation?</p> <p>21 A. No.</p> <p>22 Q. Do you know if the -- the attorney to your</p> <p>23 right is representing the City or you personally?</p> <p>24 A. I am guessing the City first and then --</p> <p>25 MS. COHEN: We represent all managerial</p> |
| <p style="text-align: right;">Page 14</p> <p>1 (Recess from 9:31 to 9:36 a.m.)</p> <p>2 BY MR. RUIZ:</p> <p>3 Q. Captain Watkins, just for the record, before</p> <p>4 we took a break, I had asked to review the materials</p> <p>5 that you were provided. You brought back -- what was</p> <p>6 brought back to the conference room, the deposition,</p> <p>7 was a binder of materials with some Post-It notes on</p> <p>8 it.</p> <p>9 Is this the binder of materials that</p> <p>10 you were referring to?</p> <p>11 A. Yes.</p> <p>12 Q. I am sorry. I have to make a record.</p> <p>13 A. No, no.</p> <p>14 Q. Is there anything else that you reviewed</p> <p>15 that is not on this binder?</p> <p>16 A. No.</p> <p>17 Q. I reviewed it briefly, and many of the</p> <p>18 documents in there have highlights --</p> <p>19 A. Yeah.</p> <p>20 Q. -- have highlighted material. Did you</p> <p>21 highlight that material?</p> <p>22 A. Yes.</p> <p>23 Q. And the Post-It notes that are alongside</p> <p>24 each of the -- or several of the pages, those are</p> <p>25 Post-It notes that were placed there by you?</p> | <p style="text-align: right;">Page 16</p> <p>1 employees of the City, which he was.</p> <p>2 MR. RUIZ: Even after their employment</p> <p>3 has ended with the City, you still represent, even</p> <p>4 though they are no longer employed by the City?</p> <p>5 MS. COHEN: Yes, for -- for actions</p> <p>6 that occurred during their employment.</p> <p>7 MR. RUIZ: So for -- I need to</p> <p>8 understand what you are saying here.</p> <p>9 So for actions taken within -- during</p> <p>10 their employment, you represent them.</p> <p>11 MS. COHEN: Correct.</p> <p>12 MR. RUIZ: For anything outside of</p> <p>13 their employment or after their employment ended, you</p> <p>14 don't represent them.</p> <p>15 MS. COHEN: If the captain got into a</p> <p>16 car wreck this afternoon, we would not represent him --</p> <p>17 actually since he is on phase down, I'm not sure how</p> <p>18 that works.</p> <p>19 THE WITNESS: I will try not to get in</p> <p>20 one.</p> <p>21 MS. COHEN: Because he wasn't on City</p> <p>22 business.</p> <p>23 BY MR. RUIZ:</p> <p>24 Q. Thank you, captain Watkins. Other than with</p> <p>25 the attorneys for the City, did you have conversations</p> |

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| <p>Page 17</p> <p>1 with anybody else about your deposition today?</p> <p>2 A. No.</p> <p>3 Q. How about the materials that you reviewed?</p> <p>4 A. No.</p> <p>5 Q. Sir, what is the highest level of education</p> <p>6 you received?</p> <p>7 A. High school education.</p> <p>8 Q. We just covered the ending of your</p> <p>9 employment with the Houston Police Department. You</p> <p>10 went into phase down in 2016. Is that correct?</p> <p>11 A. Yeah.</p> <p>12 Q. And I am sorry. Will you please explain</p> <p>13 what phase down means?</p> <p>14 A. Well, very simply, it means if you have --</p> <p>15 if you do a bank of time that you are allowed to</p> <p>16 accrue, you have the opportunity to continue to be paid</p> <p>17 for that, right? On -- depending on -- there are</p> <p>18 several options. And you are allowed to be paid for</p> <p>19 that over a period of time until that time is</p> <p>20 exhausted.</p> <p>21 Q. Do you still receive employee benefits other</p> <p>22 than pay?</p> <p>23 A. I receive employee active duty insurance,</p> <p>24 and that is it.</p> <p>25 Q. That's it, okay. What rank -- when you went</p> | <p>Page 19</p> <p>1 Q. Division commander. And is that the</p> <p>2 position you held when you first went to OIG in</p> <p>3 May 2009?</p> <p>4 A. Yes.</p> <p>5 Q. Is that the position you held throughout</p> <p>6 your tenure?</p> <p>7 A. Yes.</p> <p>8 Q. Through mid 2010?</p> <p>9 A. Yes.</p> <p>10 Q. As division commander, who did you report</p> <p>11 to?</p> <p>12 A. The -- an assistant chief in the Houston</p> <p>13 Police Department.</p> <p>14 Q. Who was that, sir?</p> <p>15 A. George Buenik.</p> <p>16 Q. Did assistant chief Buenik have -- I</p> <p>17 understand that he was assistant chief.</p> <p>18 Did he also have another -- did he have</p> <p>19 another position name in OIG?</p> <p>20 A. The OIG chain, he was referred to as</p> <p>21 inspector general.</p> <p>22 Q. He was the inspector general of the office</p> <p>23 of inspector general?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. What were your duties as division</p> |
| <p>Page 18</p> <p>1 into phase down, what rank did you hold?</p> <p>2 A. Captain.</p> <p>3 Q. Captain. And how long were you a captain --</p> <p>4 you know what? Let me rephrase that.</p> <p>5 Do you remember when you first attained</p> <p>6 the rank of captain?</p> <p>7 A. That's what I am thinking. Excuse me.</p> <p>8 March of 1995.</p> <p>9 Q. While holding the rank of captain, do you</p> <p>10 remember when you were assigned to work in the HPD's</p> <p>11 OIG division?</p> <p>12 A. Approximately May of 2009.</p> <p>13 Q. How long did you work in that division?</p> <p>14 A. It was transferred to the legal department</p> <p>15 sometime mid 2010, so approximately a year.</p> <p>16 Q. You worked in OIG for approximately a year?</p> <p>17 A. Correct.</p> <p>18 Q. And while you were in OIG, other than</p> <p>19 captain, what was a position you held?</p> <p>20 A. Other than OIG?</p> <p>21 Q. Yeah.</p> <p>22 A. As a commander, as a captain.</p> <p>23 Q. What was your position in OIG?</p> <p>24 A. For -- the position itself is division --</p> <p>25 division commander.</p> | <p>Page 20</p> <p>1 commander?</p> <p>2 A. To manage the investigator process of that</p> <p>3 division.</p> <p>4 Q. Were there any other duties that you had,</p> <p>5 sir?</p> <p>6 A. I was still involved with the crime lab</p> <p>7 recovery project during that time, and I served on</p> <p>8 several committees for the police department.</p> <p>9 Q. In managing the investigative process for</p> <p>10 the division, who did you manage?</p> <p>11 A. Primarily the section managers for the</p> <p>12 different sections.</p> <p>13 Q. Is there anybody else that you managed, sir?</p> <p>14 A. Directly, no.</p> <p>15 Q. What sections were in OIG that you --</p> <p>16 A. The criminal investigations unit called CIU;</p> <p>17 the special investigations unit called SIU; the fire</p> <p>18 department investigations unit, which was HFD; and the</p> <p>19 employee relations unit, ERU.</p> <p>20 Q. What types of matters did the employee</p> <p>21 relations unit work on?</p> <p>22 A. Primarily matters involving discrimination</p> <p>23 complaints, but other administrative complaints, as</p> <p>24 well, were placed -- misconduct of an administrative</p> <p>25 nature.</p> |

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| <p style="text-align: right;">Page 21</p> <p>1 Q. Do you remember who was the section manager</p> <p>2 that you managed for ERU?</p> <p>3 A. Sandra Robinson.</p> <p>4 Q. And who -- did Sandra Robinson have any</p> <p>5 managerial responsibilities for members of ERU?</p> <p>6 A. Yes, she managed the day-to-day</p> <p>7 responsibilities of that section.</p> <p>8 Q. Were there persons that she managed</p> <p>9 directly?</p> <p>10 A. Yes.</p> <p>11 Q. Were those persons investigators?</p> <p>12 A. Yes.</p> <p>13 Q. Now, the investigators that she managed,</p> <p>14 were they assigned to investigate complaints of</p> <p>15 employment discrimination?</p> <p>16 A. They would have been, yes.</p> <p>17 Q. Okay. The investigators in ERU, would they</p> <p>18 have been civilian investigators?</p> <p>19 A. Yes. I believe they would have all been</p> <p>20 civilian, but I don't recall specifically. There may</p> <p>21 have been occasion that I would have moved somebody in,</p> <p>22 but I don't remember.</p> <p>23 Q. For the criminal investigative unit, who was</p> <p>24 the section manager of that unit?</p> <p>25 A. Richard David, lieutenant.</p> | <p style="text-align: right;">Page 23</p> <p>1 Houston employee?</p> <p>2 A. That's correct, misconduct of a City of</p> <p>3 Houston employee, work related.</p> <p>4 Q. For the special investigative unit, sir, who</p> <p>5 was the section manager in that unit?</p> <p>6 A. Tom -- lieutenant Tom Hartnett,</p> <p>7 H-a-r-t-n-e-t-t.</p> <p>8 Q. And what types of matters did that unit</p> <p>9 address?</p> <p>10 A. He handled the administrative section, but</p> <p>11 the special investigations unit handled matters of</p> <p>12 fiscal misconduct, potential fiscal misconduct, and</p> <p>13 procurement issues.</p> <p>14 Q. Let me back up to the criminal investigative</p> <p>15 unit.</p> <p>16 Who did lieutenant Richard David</p> <p>17 supervise?</p> <p>18 A. Classified personnel sergeants directly, but</p> <p>19 indirectly, officers, as well.</p> <p>20 Q. Were there investigators assigned to the</p> <p>21 criminal investigative unit?</p> <p>22 A. Yes.</p> <p>23 Q. And were those investigators sworn</p> <p>24 personnel?</p> <p>25 A. Yes.</p> |
| <p style="text-align: right;">Page 22</p> <p>1 I should say division manager was the</p> <p>2 title for Sandra Robinson, if I could back up on that.</p> <p>3 Q. Yes, sir. Let me make sure I am clear.</p> <p>4 So Sandra Robinson was the division</p> <p>5 manager for the employee relations unit?</p> <p>6 A. That's correct.</p> <p>7 Q. Thank you. Richard David?</p> <p>8 A. Lieutenant for the criminal investigations</p> <p>9 unit.</p> <p>10 Q. Thank you, sir. Lieutenant Richard David</p> <p>11 was the section manager for the criminal investigative</p> <p>12 unit?</p> <p>13 A. Yes.</p> <p>14 Q. What type of matters did the criminal</p> <p>15 investigative unit investigate?</p> <p>16 A. As the name would imply, anything of a</p> <p>17 criminal nature, misconduct of a City employee.</p> <p>18 Q. So for the criminal investigative unit, if</p> <p>19 they were investigating a matter, a crime as you</p> <p>20 suggested, does it have to involve a City of Houston</p> <p>21 employee?</p> <p>22 A. Yes.</p> <p>23 Q. Right. So I mean, if -- just because it's a</p> <p>24 crime doesn't mean it goes to criminal investigative</p> <p>25 unit. The crime had to have somehow involved a City of</p> | <p style="text-align: right;">Page 24</p> <p>1 Q. And --</p> <p>2 A. Classified and sworn interchangeably.</p> <p>3 Q. When you say classified personnel, you mean</p> <p>4 sworn personnel?</p> <p>5 A. That's correct, so there is no mistake.</p> <p>6 Q. Thank you very much. The investigators in</p> <p>7 the special investigative unit, were those also sworn</p> <p>8 personnel?</p> <p>9 A. In which unit?</p> <p>10 Q. The special investigations unit.</p> <p>11 A. Except for the administrative section, there</p> <p>12 would have been civilian clerical personnel.</p> <p>13 Q. I believe the last section that you</p> <p>14 mentioned was the fire department investigative unit?</p> <p>15 A. Yes.</p> <p>16 Q. Who was the section manager of that unit?</p> <p>17 A. Stan -- forgive me. I would have to review</p> <p>18 an org chart. Actually, we are getting to the point</p> <p>19 where I would need to see an org chart from that time.</p> <p>20 This is testing my memory, because I have managed so</p> <p>21 many people over the years.</p> <p>22 Q. Let me ask you this.</p> <p>23 For the fire department investigative</p> <p>24 unit, were the investigators sworn personnel?</p> <p>25 A. They were arson investigators, but they also</p> |

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| <p style="text-align: right;">Page 25</p> <p>1 are sworn personnel.</p> <p>2 Q. But those investigators have been from the</p> <p>3 fire department?</p> <p>4 A. They would have been -- yes. They work for</p> <p>5 the fire department through the arson unit.</p> <p>6 Q. How do investigators get selected to work in</p> <p>7 the employee relations unit?</p> <p>8 A. Well, since I was assigned there, there was</p> <p>9 no change in personnel, because of the inability to --</p> <p>10 the City was under a civilian hiring freeze, I believe,</p> <p>11 at the time. It was around that time, so no personnel</p> <p>12 changes. So when I came into the division, they were</p> <p>13 already there.</p> <p>14 Q. Okay. And you don't know how they were</p> <p>15 selected to be there?</p> <p>16 A. I think some came when the unit was</p> <p>17 transferred from the affirmative action of the City. I</p> <p>18 don't know who was a part of that then.</p> <p>19 Q. Okay. And for the criminal investigative</p> <p>20 unit, how are investigators selected to be part of that</p> <p>21 unit?</p> <p>22 A. They were interviewed.</p> <p>23 Q. Who would interview?</p> <p>24 A. I am trying to think if I was there, if</p> <p>25 anyone actually came into the division. I was only</p> | <p style="text-align: right;">Page 27</p> <p>1 Q. When you say the record of complaint and the</p> <p>2 investigation, are you referring to the record of</p> <p>3 complaint that the OIG has for either 09-0424 or</p> <p>4 OIG 09-0407?</p> <p>5 A. Right, as those relate to Jane Draycott,</p> <p>6 yes.</p> <p>7 Q. Thank you. Have you ever met Jane Draycott?</p> <p>8 A. Not that I recall.</p> <p>9 Q. Do you know her in any other capacity other</p> <p>10 than through these investigations?</p> <p>11 A. No.</p> <p>12 (Exhibit 1 marked.)</p> <p>13 Q. Sir, I want to hand you what is going to be</p> <p>14 marked as exhibit 1. We are going to call it Watkins</p> <p>15 exhibit 1. Sir, exhibit 1 is Bates stamped</p> <p>16 HOU 00005866. It runs through HOU 00005869. If you</p> <p>17 flip to the second page, top of the page says City of</p> <p>18 Houston office of inspector general, record of</p> <p>19 complaint, OIG No. 2009-0424.</p> <p>20 Could you please review this document,</p> <p>21 sir, and let me know when you are ready for me to ask</p> <p>22 you questions.</p> <p>23 A. Okay.</p> <p>24 Q. Sir, what is this document?</p> <p>25 A. It's the record of complaint when an</p> |
| <p style="text-align: right;">Page 26</p> <p>1 there a limited time. I don't recall that we actually</p> <p>2 interviewed anyone for criminal investigations while I</p> <p>3 was there. I think everyone was in place until we</p> <p>4 disbanded.</p> <p>5 Q. Thank you very much. Sir, today I am going</p> <p>6 to ask you about three investigations conducted by OIG.</p> <p>7 Two of the investigations I am going to ask you about</p> <p>8 today are investigations that are referenced in the</p> <p>9 binder that you brought today, the OIG</p> <p>10 investigation 09-0424 and 09-0407. There is a third</p> <p>11 that I am going to ask you about, 09-311.</p> <p>12 A. Okay.</p> <p>13 Q. Okay. A lot of the questions I may -- I ask</p> <p>14 are probably going to seem very basic, you know, and</p> <p>15 you are going to probably wonder why I am asking that.</p> <p>16 And the reason is because I am -- this</p> <p>17 is all being taken down by the court reporter, and I am</p> <p>18 trying to create a record, okay?</p> <p>19 A. Okay.</p> <p>20 Q. Let me begin with: Do you know who Jane</p> <p>21 Draycott is?</p> <p>22 A. Yes.</p> <p>23 Q. How do you know her?</p> <p>24 A. Through the -- through the record of</p> <p>25 complaint and the investigation.</p> | <p style="text-align: right;">Page 28</p> <p>1 employee makes an allegation against an as we call</p> <p>2 them, respondent.</p> <p>3 Q. Is this the record of complaint for</p> <p>4 OIG 09-0424?</p> <p>5 A. It would appear to be, yeah.</p> <p>6 Q. This is a record of the complaint submitted</p> <p>7 by Jane Draycott?</p> <p>8 A. It would appear so, yeah.</p> <p>9 Q. What purpose does a record of complaint</p> <p>10 serve?</p> <p>11 A. Serves to document when a record of</p> <p>12 complaint -- when a complaint is registered with the</p> <p>13 office of inspector general.</p> <p>14 Q. Is it just there to document when a</p> <p>15 complaint is submitted?</p> <p>16 A. It also gives the summary of what the record</p> <p>17 of complaint is about.</p> <p>18 Q. So it describes when a complaint was</p> <p>19 submitted and provides a summary of what the complaint</p> <p>20 is about. Is that correct?</p> <p>21 A. As well as a respondent, if there is one,</p> <p>22 and the information about the employee that filed the</p> <p>23 complaint.</p> <p>24 Q. Well, what happens after this record is</p> <p>25 made?</p> |

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| <p style="text-align: right;">Page 29</p> <p>1 A. It's reviewed by the administrative section 2 and assigned to an investigative section. 3 Q. So once this record of complaint is made, 4 it's reviewed by the administrative section and then 5 assigned to one of those investigative units that we 6 discussed earlier? 7 A. Correct. 8 Q. Thank you very much. Now, is it assigned to 9 one of those investigative units so that the complaint 10 can actually be investigated? 11 A. Yes. 12 Q. Now, I want you to look at the page Bates 13 stamp HOU 00005857 towards the bottom. There is a 14 notation that says type of complaint. 15 A. Yes. 16 Q. In there, there are some different options. 17 Some say no; some say yes -- or two say yes. Do you 18 see that, sir? 19 A. Yes. 20 Q. What do the yes -- the two answers for yes 21 mean? 22 A. That it was assigned to employee relations 23 unit and that there was a discrimination case involved. 24 Q. Okay. Now, for those issues where it says 25 no, what do the noes mean?</p> | <p style="text-align: right;">Page 31</p> <p>1 and statement, the administrator -- the administrator 2 may assign it to the -- to the employee relations unit 3 as a discrimination complaint. Is that correct? 4 A. Repeat that one. 5 Q. If it's not clear from the complainant's 6 statement that it's a discrimination complaint, the 7 administrative section or the administrator may still 8 assign it to the employee relations unit as a 9 discrimination investigation. Is that correct? 10 A. If it's not clear. 11 Q. From the complainant's statement? 12 A. If it falls short of a discrimination 13 complaint, but it might be involved in supervisory -- I 14 mean, in employee misconduct of some sort, 15 administrative wise? 16 Q. Yes, sir. 17 A. In that case, yes. 18 Q. Beneath that section the document states 19 this complaint involves the following types of 20 discrimination. 21 Should that read this complaint? 22 A. No. It says this complaint. 23 Q. Should it be this complaint? 24 A. Yes, it probably should be. 25 Q. And what type of discrimination is involved</p> |
| <p style="text-align: right;">Page 30</p> <p>1 A. It was not a whistleblower case. 2 Q. Okay. Does that mean that when the -- when 3 the person submitted the complaint, that they 4 determined that it was a discrimination complaint or 5 that the administrator who received the complaint -- 6 A. I am sorry. Would you repeat that? 7 Q. Yeah. Let me slow down. 8 Now, when you were describing what the 9 word yes meant, you said instead it's a discrimination 10 complaint. 11 Who decides whether or not the 12 complaint submitted is a discrimination complaint? 13 A. Well, it would probably be, depending on the 14 circumstances -- if it's not very clear in the 15 statement, which it normally is, then it would have 16 been decided by either the administrative sergeant or 17 the administrative lieutenant. Generally it's stated 18 in the record -- the document that shows what the 19 record of complaint is about. 20 Q. So typically you would expect the 21 complainant to state that they think they are being 22 discriminated against. Is that what -- your policy? 23 A. Yes, I would assume so, because the document 24 is looking -- is checked yes. 25 Q. But if it's not clear from that complaint</p> | <p style="text-align: right;">Page 32</p> <p>1 in this record of complaint? 2 A. It would be a title 7 discrimination. 3 Q. What's -- 4 A. Checkmark for sex. 5 Q. Checkmark for sex? 6 A. Yes. 7 Q. Or? 8 A. Gender discrimination, yeah. 9 Q. Okay. So is it fair to say that when -- 10 according to the record of complaint, the OIG had 11 received or interpreted Ms. Draycott's complaint to be 12 a discrimination complaint based on sex? 13 A. Based on gender discrimination. 14 Q. If that's what you believe it was or that's 15 what you believe this document represents, that's fine. 16 A. Yes. I would say so, yes. 17 Q. So you would say it is -- the OIG received 18 your complaint and classified it as a discrimination 19 complaint based on gender? 20 A. Yes. 21 Q. Okay. Now, once it does that, what should 22 it investigate? 23 MS. COHEN: Objection; vague. 24 BY MR. RUIZ: 25 Q. I am sorry. Once it determines that the</p> |

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| <p style="text-align: right;">Page 33</p> <p>1 complaint received by Jane Draycott is a discrimination</p> <p>2 complaint based on gender, what should OIG investigate?</p> <p>3 A. It depends whether there is any</p> <p>4 investigation by the EEOC or not, in which case, I</p> <p>5 believe in this one, it was.</p> <p>6 Q. If there was an investigation by the EEOC,</p> <p>7 what does OIG do?</p> <p>8 A. Investigate the specific allegations that</p> <p>9 are in the record of complaint.</p> <p>10 Q. Okay. If there was not an investigation by</p> <p>11 the EEOC, what would OIG do with Jane Draycott's</p> <p>12 complaint?</p> <p>13 A. It would still investigate the specific</p> <p>14 allegations.</p> <p>15 Q. Would it make a finding with respect -- is</p> <p>16 it -- what is it investigating the allegations for?</p> <p>17 A. I am sorry?</p> <p>18 Q. What's the purpose of it investigating the</p> <p>19 allegations?</p> <p>20 A. Well, the allegations in 0424 were specific.</p> <p>21 They were -- if I recall correctly, an issue with</p> <p>22 shower debris, uncleanliness, radio speaker. They were</p> <p>23 very specific allegations that were occurring.</p> <p>24 Q. Okay. But is there a reason that they are</p> <p>25 conducting the investigation? What are they trying to</p> | <p style="text-align: right;">Page 35</p> <p>1 the answer of whether or not --</p> <p>2 A. At that point --</p> <p>3 Q. Let me finish my question.</p> <p>4 -- whether or not Jane Draycott was</p> <p>5 discriminated against based on her gender?</p> <p>6 A. I am sorry. Say that one more time for me.</p> <p>7 Q. Are you telling me that if the EEOC was</p> <p>8 investigating the matter, the OIG won't actually try to</p> <p>9 reach a determination as to whether or not Jane</p> <p>10 Draycott was being discriminated against based on her</p> <p>11 gender?</p> <p>12 A. We would allow EEOC to conduct their</p> <p>13 investigation, and we would focus on the specific</p> <p>14 allegations.</p> <p>15 Q. So is that -- what I asked: Is that</p> <p>16 correct --</p> <p>17 A. What I stated --</p> <p>18 Q. No. What I asked: Is that correct that OIG</p> <p>19 wouldn't actually try to directly address the</p> <p>20 issue or --</p> <p>21 A. I am sorry. I am not going to respond to</p> <p>22 that absolutely. I would refer that to someone else.</p> <p>23 But in my knowledge, as I recall, the</p> <p>24 EEOC would make that investigation, and we would look</p> <p>25 at the specific allegations.</p> |
| <p style="text-align: right;">Page 34</p> <p>1 determine?</p> <p>2 A. If those specific allegations did in fact</p> <p>3 occur.</p> <p>4 Q. Is OIG trying to evaluate whether or not she</p> <p>5 was actually submitted to sex or discrimination based</p> <p>6 on gender?</p> <p>7 A. Yes, probably so, yes.</p> <p>8 Q. Sir, as the division commander of OIG, do</p> <p>9 you not know if they would try to actually address the</p> <p>10 question of whether or not she was subjected to gender</p> <p>11 discrimination if in fact --</p> <p>12 A. Knowing --</p> <p>13 Q. Let me finish my question.</p> <p>14 -- if in fact if OIG found that her</p> <p>15 complaint was actually about gender discrimination?</p> <p>16 A. It would have to establish that it was about</p> <p>17 a gender discrimination first.</p> <p>18 Q. What do you mean by that?</p> <p>19 A. It may have been an allegation that was</p> <p>20 stated in the investigation. The investigation had</p> <p>21 specific points that it needed to investigate, and the</p> <p>22 gender discrimination was being investigated by the</p> <p>23 EEOC. So it was already being investigated.</p> <p>24 Q. So if the EEOC is investigating the matter,</p> <p>25 are you telling me that OIG won't actually try to reach</p> | <p style="text-align: right;">Page 36</p> <p>1 Q. When you say you are not going to address</p> <p>2 that allegation or that question directly, is it -- why</p> <p>3 won't you?</p> <p>4 A. No. I did address it. What I said was I</p> <p>5 won't address it as an absolute. I can't address it as</p> <p>6 an absolute, because I just simply don't remember.</p> <p>7 Q. Okay, thank you. Now, would you please turn</p> <p>8 to page HOU 0005868 in exhibit 1?</p> <p>9 A. Okay.</p> <p>10 Q. Now, we were just discussing what OIG would</p> <p>11 investigate and try to determine if the EEOC was also</p> <p>12 investigating the matter, okay? I want to go through</p> <p>13 the different sentences here, and let me know what OIG</p> <p>14 would actually investigate and try to address, okay?</p> <p>15 The first sentence is: The complainant</p> <p>16 states since being assigned to ARFF, fire station 54A,</p> <p>17 she has experienced numerous problems because of her</p> <p>18 gender, okay?</p> <p>19 Is that an allegation that the OIG</p> <p>20 would address if the EEOC was also investigating the</p> <p>21 matter?</p> <p>22 A. We need to look at more than just the fact</p> <p>23 that that is stated in the complaint. We need to look</p> <p>24 at the circumstances behind that.</p> <p>25 Q. Okay. So you would want to know why is she</p> |

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| <p style="text-align: right;">Page 37</p> <p>1 alleging that?</p> <p>2 A. That's right. At that point it could be,</p> <p>3 but we want to establish why does she believe that.</p> <p>4 Q. Okay.</p> <p>5 A. We need more information.</p> <p>6 Q. Okay. So the next sentence says -- states:</p> <p>7 The complainant states that captain Erich Henschel</p> <p>8 began to document incidents since April 2009.</p> <p>9 Is that something that would help OIG</p> <p>10 determine whether or not they would investigate what</p> <p>11 she alleges in her -- what she states in her first</p> <p>12 sentence, that she has experienced numerous problems</p> <p>13 because of her gender?</p> <p>14 A. Would it establish it's because of her</p> <p>15 gender?</p> <p>16 Q. No. Would it establish to investigate --</p> <p>17 you said you needed surrounding circumstances in order</p> <p>18 to determine what you can investigate. Is that</p> <p>19 correct?</p> <p>20 A. You will have to restate that. I am sorry.</p> <p>21 Q. Tell you what, instead of taking this piece</p> <p>22 by piece, go ahead and review the paragraph under this</p> <p>23 complaint is based on the following circumstances.</p> <p>24 A. Okay.</p> <p>25 Q. After reviewing the paragraph beginning with</p> | <p style="text-align: right;">Page 39</p> <p>1 determination as to discrimination if the EEOC is also</p> <p>2 investigating that process.</p> <p>3 Is there a written policy that states</p> <p>4 the OIG won't do that?</p> <p>5 A. The policy in the standard operating</p> <p>6 procedure when it discusses -- it asks our role is to</p> <p>7 make notification of shielding to the department head,</p> <p>8 not to actually shield the department, but to shield</p> <p>9 them if necessary. And then once that's determined,</p> <p>10 then to make an investigation of the allegations that</p> <p>11 are stated in the complaint.</p> <p>12 Q. Do the SOPs address whether or not or</p> <p>13 address the issue that you raised -- they wouldn't make</p> <p>14 a discrimination finding if the EEOC was also</p> <p>15 addressing --</p> <p>16 A. I would have to review that, but -- I would</p> <p>17 have to review that. There may be one that speaks to</p> <p>18 that. I don't know.</p> <p>19 Q. You don't know?</p> <p>20 A. No.</p> <p>21 Q. You just know sitting in your chair -- in</p> <p>22 the chair today, you just know that's what you did?</p> <p>23 A. That's what I recall.</p> <p>24 Q. Okay.</p> <p>25 A. Keep in mind, ten years.</p> |
| <p style="text-align: right;">Page 38</p> <p>1 the complainant states that since being assigned to</p> <p>2 ARFF, she experienced numerous problems because of</p> <p>3 gender, is this something that the office of inspector</p> <p>4 general should investigate?</p> <p>5 A. Once again, we will look at the specific</p> <p>6 allegations that are made and make a determination from</p> <p>7 that.</p> <p>8 Q. So is there another document that you have</p> <p>9 to look at in order to determine what the investigation</p> <p>10 would entail?</p> <p>11 A. Well, for example, let's take the first one,</p> <p>12 urinated all over the toilet seats.</p> <p>13 We would need to interview anyone that</p> <p>14 was associated with the fire department that could</p> <p>15 substantiate that and then reach a conclusion based on</p> <p>16 that. That in and of itself doesn't target Jane</p> <p>17 Draycott. That in and of itself could be men using the</p> <p>18 women's restroom. It could be women using the women's</p> <p>19 restroom and not been hygienically sound, shall we say?</p> <p>20 Q. So it's something you would have to</p> <p>21 investigate?</p> <p>22 A. That's right.</p> <p>23 Q. Okay. And sir, I have a question about</p> <p>24 the -- the issue -- I am sorry -- the process you were</p> <p>25 discussing where the OIG actually won't make a</p> | <p style="text-align: right;">Page 40</p> <p>1 Q. Yeah. For Ms. Draycott's complaint,</p> <p>2 09-0424, who has a role in investigating that</p> <p>3 complaint?</p> <p>4 A. 0424 was investigated by investigator</p> <p>5 Gonzales, I believe. Correct me if I'm wrong. I would</p> <p>6 have to -- I would have to take a look at the</p> <p>7 investigation, Raymond, investigator Raymond.</p> <p>8 Q. Okay. I think you are right by saying</p> <p>9 Raymond Gonzales.</p> <p>10 Do you remember if Mr. Gonzales was</p> <p>11 sworn personnel?</p> <p>12 A. I think he may have been a retiree, but I</p> <p>13 don't recall.</p> <p>14 Q. Do you know if there was more than one</p> <p>15 investigator on the matter?</p> <p>16 A. He may have called others in. I don't know</p> <p>17 specifically.</p> <p>18 Q. Okay.</p> <p>19 A. I know he would have consulted with the</p> <p>20 investigator on other cases since they were running at</p> <p>21 the same time.</p> <p>22 Q. I am sorry. When you say the cases were</p> <p>23 running at the same time, are you talking about --</p> <p>24 A. 0407 and 0424.</p> <p>25 Q. Those investigations were proceeding at the</p> |

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| <p style="text-align: right;">Page 41</p> <p>1 same time. Is that what you are saying?</p> <p>2 A. I believe so, yeah.</p> <p>3 Q. Okay. Other than Mr. Gonzales, who else has</p> <p>4 a role in investigating, let's say, complaint 0424?</p> <p>5 A. Who else would have had a role?</p> <p>6 Q. Yes, sir.</p> <p>7 A. Anyone could have assisted Raymond in the</p> <p>8 investigation that was assigned to the ERU. I would</p> <p>9 have to review all the statements that were taken and</p> <p>10 who signed various documents to make that</p> <p>11 determination. I did not do that prior to this</p> <p>12 hearing.</p> <p>13 Q. So did you have any role in investigating</p> <p>14 09-0424?</p> <p>15 A. Not day-to-day, no.</p> <p>16 Q. When the investigation is complete, did you</p> <p>17 review their work?</p> <p>18 A. Yes.</p> <p>19 Q. Let me slow it down.</p> <p>20 When the investigation was complete,</p> <p>21 did you review Raymond Gonzales' work?</p> <p>22 A. Yes.</p> <p>23 Q. Is that part of your duties?</p> <p>24 A. Yes.</p> <p>25 Q. What did you review it for?</p> | <p style="text-align: right;">Page 43</p> <p>1 A. Yes.</p> <p>2 Q. Okay, thank you. What would you have talked</p> <p>3 to Ms. Robinson about?</p> <p>4 A. Any concerns that I would have had in the</p> <p>5 investigation.</p> <p>6 Q. Now, at the conclusion of investigation</p> <p>7 09-0424, would you expect OIG to conclude one way or</p> <p>8 another whether Jane Draycott was being discriminated</p> <p>9 against due to her gender?</p> <p>10 A. I don't believe any of the allegations that</p> <p>11 she made would have been specifically targeted toward</p> <p>12 Jane Draycott, if I recall.</p> <p>13 Q. I am not asking if you should have concluded</p> <p>14 that she wasn't. I am just saying at the conclusion of</p> <p>15 an investigation of 0424 where she alleged that things</p> <p>16 were being done to her because of her gender, would you</p> <p>17 have expected OIG to conclude one way or another on</p> <p>18 that issue that her complaint raised?</p> <p>19 A. Are you asking -- okay. Rephrase the</p> <p>20 question. Let me make sure I get this right.</p> <p>21 Q. Sure. At the conclusion of OIG's</p> <p>22 investigation into 09-0424, would you expect OIG to</p> <p>23 conclude one way or the other as to whether Jane</p> <p>24 Draycott was being discriminated against due to her</p> <p>25 gender?</p> |
| <p style="text-align: right;">Page 42</p> <p>1 A. For completeness, accuracy, thoroughness.</p> <p>2 If I believed the investigation needed to go anywhere</p> <p>3 else, I would have made notation of that, as well.</p> <p>4 Q. Now, if this was a gender discrimination</p> <p>5 complaint, would you also have looked to make sure that</p> <p>6 the issue of -- whether gender discrimination was</p> <p>7 addressed in --</p> <p>8 A. I would have had a discussion with Sandra</p> <p>9 Robinson.</p> <p>10 Q. Let me finish my question.</p> <p>11 A. I thought you were finished.</p> <p>12 Q. Thank you.</p> <p>13 Would you have expected to see whether</p> <p>14 or not the issue of gender discrimination had been</p> <p>15 addressed?</p> <p>16 A. I would have had a discussion with Sandra</p> <p>17 Robinson.</p> <p>18 Q. Earlier you mentioned Sandra Robinson. I</p> <p>19 believe you said she was the section manager of ERU?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. Why would you have discussed the</p> <p>22 matter with Sandra Robinson?</p> <p>23 A. She is my direct report.</p> <p>24 Q. Would Raymond Gonzales have submitted the</p> <p>25 report to Ms. Robinson?</p> | <p style="text-align: right;">Page 44</p> <p>1 A. I can answer that the investigation did not</p> <p>2 determine -- would not have determined that.</p> <p>3 Q. It would not have determined that. So I</p> <p>4 mean, why would it not have determined that?</p> <p>5 A. Because to my recollection, none of these</p> <p>6 specific allegations specifically targeted Jane</p> <p>7 Draycott. And I believe -- well, let me go ahead and</p> <p>8 let you go.</p> <p>9 Q. So in this instance you are saying the --</p> <p>10 are you saying that the OIG concluded that she wasn't</p> <p>11 being discriminated --</p> <p>12 A. No, sir, that's not what I said.</p> <p>13 Q. Tell us what you said.</p> <p>14 A. I said had that determination been made, it</p> <p>15 would have been inconclusive at best in the case of</p> <p>16 0424.</p> <p>17 Q. Let me make sure I understand.</p> <p>18 What I am -- I am trying to get at is</p> <p>19 at the conclusion of the investigation for 0424, would</p> <p>20 OIG say, yes, we found she is being discriminated</p> <p>21 against based on her gender, or would they say, no, we</p> <p>22 did not find she was being subjected to gender</p> <p>23 discrimination?</p> <p>24 A. I believe the casework speaks for itself.</p> <p>25 It's not indicated in the case summary. So I would</p> |

| | |
|--|--|
| <p style="text-align: right;">Page 45</p> <p>1 give you the answer no.</p> <p>2 Q. No, they would not make that --</p> <p>3 A. They did not at that time, that's correct.</p> <p>4 Now, I can speculate, but I can't give you a definitive</p> <p>5 answer.</p> <p>6 Q. Is that type of statement supposed to be</p> <p>7 included in either the investigative report or the</p> <p>8 investigative summary?</p> <p>9 A. I am not sure how to answer that. Could you</p> <p>10 give me something else?</p> <p>11 Q. Sure. She is complaining about gender</p> <p>12 discrimination, and that's the larger question in this</p> <p>13 investigation, right? I mean -- is that fair?</p> <p>14 A. Gender discrimination would be the larger</p> <p>15 question if the investigation of the allegation</p> <p>16 supported that.</p> <p>17 Q. But that's what she is alleging; is that</p> <p>18 fair, that she was being discriminated due to her</p> <p>19 gender? That's what she is alleging, right?</p> <p>20 A. That's the first statement in her complaint.</p> <p>21 Q. The other statements about urine being found</p> <p>22 on the seat, those are facts she is alleging in support</p> <p>23 of that larger --</p> <p>24 A. That's correct.</p> <p>25 Q. Is that right?</p> | <p style="text-align: right;">Page 47</p> <p>1 already. So we were addressing the specific</p> <p>2 allegations.</p> <p>3 BY MR. RUIZ:</p> <p>4 Q. Do you know of any other reason other than</p> <p>5 an ongoing EEOC investigation why the OIG's office</p> <p>6 would not directly address that larger question?</p> <p>7 A. Have referenced that?</p> <p>8 Q. Correct.</p> <p>9 A. At least at some point?</p> <p>10 Q. No. Just in either its investigative</p> <p>11 summary or investigative report, is there any reason</p> <p>12 other than the EEOC's ongoing investigation?</p> <p>13 A. It was referenced throughout, I believe, in</p> <p>14 every statement that was provided by Mr. Raymond</p> <p>15 Gonzales that it was indicated in every piece of</p> <p>16 paperwork that was put forward. So it's not like it</p> <p>17 wasn't being disclosed at every point of the process.</p> <p>18 Q. Okay. We are going to go ahead and go</p> <p>19 through that process and see if that's accurate.</p> <p>20 A. Okay.</p> <p>21 MS. COHEN: Can we take a short break?</p> <p>22 MR. RUIZ: Absolutely.</p> <p>23 (Recess from 10:23 to 10:35 a.m.)</p> <p>24 BY MR. RUIZ:</p> <p>25 Q. Captain Watkins, earlier -- earlier we were</p> |
| <p style="text-align: right;">Page 46</p> <p>1 A. That's correct.</p> <p>2 Q. At the end of the day, with this OIG 0424,</p> <p>3 are they going to actually answer that larger question:</p> <p>4 We found you were being discriminated against based on</p> <p>5 gender, or we did not find that you were being</p> <p>6 discriminated against based on gender?</p> <p>7 A. I understand what you are saying.</p> <p>8 Q. I am not asking whether they found it or</p> <p>9 not. I am just saying when a person submits a</p> <p>10 complaint of gender discrimination --</p> <p>11 A. It was not referenced in this investigation.</p> <p>12 Could it have been? I suppose.</p> <p>13 Would it have changed the outcome of</p> <p>14 the investigation? No.</p> <p>15 Q. It could have been referenced. Why wasn't</p> <p>16 it?</p> <p>17 A. Again --</p> <p>18 MS. COHEN: Objection; calls for</p> <p>19 speculation, asked and answered.</p> <p>20 A. I don't recall the conversation that I had</p> <p>21 with Sandra Robinson, but I am -- again, I would have</p> <p>22 to just guess --</p> <p>23 MS. COHEN: Don't guess.</p> <p>24 A. -- that it's -- we still had this EEOC</p> <p>25 complaint ongoing. That was being investigated</p> | <p style="text-align: right;">Page 48</p> <p>1 discussing what you did in preparation for this</p> <p>2 deposition. Do you recall that?</p> <p>3 A. Yes.</p> <p>4 Q. And you told me that you spent an hour with</p> <p>5 Ms. Sullivan. Do you remember that?</p> <p>6 A. Yes.</p> <p>7 Q. Also, earlier when I was going over the</p> <p>8 deposition rules, I told you that if I asked you a</p> <p>9 question, you should answer unless your -- unless the</p> <p>10 attorney for the City objects and instructs you not to</p> <p>11 answer. Do you remember that?</p> <p>12 A. Okay, yes.</p> <p>13 Q. You are no longer an employee with the City</p> <p>14 of Houston. Is that correct?</p> <p>15 A. That's correct. I am retired.</p> <p>16 Q. Okay. During your discussions with</p> <p>17 Ms. Sullivan, what did you talk about?</p> <p>18 MS. COHEN: I am going to object to</p> <p>19 that based on the attorney-client privilege and work</p> <p>20 product privilege, and I am going to instruct the</p> <p>21 witness not to respond.</p> <p>22 BY MR. RUIZ:</p> <p>23 Q. We don't believe the privilege exists</p> <p>24 because you are a former employee, okay?</p> <p>25 Are you going to follow Ms. Cohen's</p> |

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1 instruction?

2 MS. COHEN: I am going to interject

3 that I do believe that the privilege exists, because

4 you were a managerial employee at the time of the

5 events at issue. Under that respect, I am going to

6 instruct you not to respond.

7 BY MR. RUIZ:

8 Q. Are you going to follow that instruction?

9 **A. Yes.**

10 Q. Thank you.

11 MS. COHEN: Did you have a concern

12 about getting back?

13 MR. RUIZ: Let's go off the record.

14 (Recess from 10:37 to 10:41 a.m.)

15 (Exhibit 2 marked.)

16 BY MR. RUIZ:

17 Q. We are back on the record. Sir, I am going

18 to hand you what I am marking as Watkins exhibit 2,

19 sir.

20 **A. Are we through with 1?**

21 Q. Just keep it there.

22 MS. COHEN: The court reporter will

23 take it.

24 BY MR. RUIZ:

25 Q. You won't be keeping it.

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1 Watkins exhibit 2 is Bates stamped

2 HOU 00005983. The top is marked confidential. It says

3 from the desk of DP McCoy, sergeant, office of

4 inspector general. It's dated Wednesday, July 22nd,

5 2009, and it's addressed to DE Watkins, captain, office

6 of inspector general.

7 Would you please review this document,

8 and I am going to ask you a few questions about its

9 contents.

10 **A. Okay.**

11 **Okay.**

12 Q. Captain Watkins, what is this document?

13 **A. This is a desk memo from my investigative**

14 **sergeant in case 0407 to me outlining some additional**

15 **information that he had when he was interviewing**

16 **captain Erich Henschel.**

17 Q. Who is sergeant DP McCoy?

18 **A. He is an investigative sergeant -- or he was**

19 **an investigative sergeant with the criminal**

20 **investigations unit.**

21 Q. You said he was assigned 09-0407

22 investigation. That's the investigation into the

23 discovery of the slurs in the women's dorm station 54?

24 **A. Yes.**

25 Q. Is that correct?

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1 **A. Yes.**

2 Q. But in this desk memo he is sending you

3 information with respect to a different matter. Is

4 that fair to say?

5 **A. Yes.**

6 Q. He is sending you information with respect

7 to the OIG's investigation into the discrimination

8 claim that Jane Draycott submitted?

9 **A. Yes. The 0424.**

10 Q. Does he have any role specific to 09 -- did

11 sergeant McCoy have any role with respect to

12 investigating 09-0424?

13 **A. Not unless he was asked by the investigator**

14 **of 09-0424.**

15 Q. Do you know why Mr. McCoy sent you this

16 update on July 22nd, 2009?

17 **A. As an informational memo thinking that it**

18 **might have been new information uncovered.**

19 Q. How often would investigators send you

20 informational memos detailing information that was

21 recently uncovered?

22 **A. That's a very difficult question to answer.**

23 Q. Let me ask it like this.

24 Did this kind of informational memo

25 come by your desk relatively often?

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1 **A. It is not unusual.**

2 Q. Not unusual. Would Mr. McCoy also update

3 you verbally on information that he has discovered in

4 connection with his investigation?

5 **A. On occasion.**

6 Q. When you received desk memos from

7 investigators updating you on information uncovered

8 during your investigation, what would you do with the

9 desk memos?

10 **A. Depending on what the desk memo was about, I**

11 **would either forward it to another investigator, or in**

12 **most cases it's just information pertaining to an**

13 **ongoing investigation, which this was. It just was**

14 **under separate -- a separate investigator. So he was**

15 **just making me aware of it.**

16 Q. Is information that's relayed to you as part

17 of an investigation kept as part of the case file?

18 **A. A memo such as this?**

19 Q. Yes, sir. When you say this, you mean

20 exhibit 2, right?

21 **A. I am sorry. Exhibit 2. Normally it would**

22 **be in the case file, but not always. This would**

23 **probably have ended up in the case file of 0424 and not**

24 **0407.**

25 Q. I believe earlier you stated that the

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1 investigation into 0424 and 0407 were going on about
 2 the same time. Is that right?
 3 **A. Roughly.**
 4 Q. Roughly. And this is -- I guess this
 5 supports your statement. It looks like sergeant McCoy
 6 was investigating 0407. Is that correct?
 7 **A. Yes.**
 8 Q. But he is providing you information on the
 9 ongoing investigation in 0424?
 10 **A. Correct.**
 11 Q. Okay. I asked you if sergeant McCoy would
 12 update you verbally on the status of investigations.
 13 Did he update you verbally on the status of his
 14 investigation into 0407?
 15 **A. I don't recall.**
 16 Q. Did you ever have a -- conversations with
 17 him about his investigation into the discovery of the
 18 slurs in the women's dorm at station 54?
 19 **A. We would have had discussions about that.**
 20 Q. What do you remember him telling you about
 21 his -- his investigation into the discovery of the
 22 slurs?
 23 **A. I don't recall.**
 24 Q. You don't recall any conversations with
 25 sergeant McCoy regarding -- regarding his investigation

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1 into the discovery of the slurs in the women's dorm at
 2 station 54?
 3 **A. We would have had an initial conversation on**
 4 **the day that it actually occurred and what the**
 5 **investigators found, what was the preliminary**
 6 **investigation starting to reveal.**
 7 Q. Do you remember the contents of those
 8 conversations?
 9 **A. No.**
 10 Q. Do you remember any generalities about the
 11 content of those conversations regarding his
 12 investigation into 0407?
 13 **A. Not specifically. It's been too long.**
 14 (Exhibit 3 marked.)
 15 Q. I am going to hand you what is going to be
 16 Watkins exhibit 3. Exhibit 3 is Bates stamped
 17 HOU 00006054. The top of it says confidential, City of
 18 Houston interoffice correspondence, and it is dated
 19 July 31, 2009.
 20 Captain Watkins, will you please review
 21 the document? I am going to ask you some questions
 22 about its contents. Please let me know when you are
 23 ready to proceed.
 24 **A. All right.**
 25 Q. Now, captain Watkins, looking at this

Page 55

1 document, what is this document?
 2 **A. This is a notification to the fire chief**
 3 **that an allegation was made against an unknown employee**
 4 **for gender discrimination.**
 5 Q. I recognize that you didn't sign this, but
 6 do you recognize the person that initialed it above
 7 your name?
 8 **A. Yes.**
 9 Q. Who is that person?
 10 **A. That's lieutenant Richard David.**
 11 Q. That was the section manager over the
 12 criminal investigative unit. Is that correct?
 13 **A. That's correct.**
 14 Q. And was he the acting captain in your office
 15 at the time?
 16 **A. Based on this document, I would say yes.**
 17 Q. You have no reason to believe he wasn't
 18 active captain?
 19 **A. I have no reason to doubt it. That's**
 20 **correct.**
 21 Q. And was Richard David, acting captain and
 22 lieutenant -- was he authorized to send this document
 23 with your signature on it --
 24 **A. Yes.**
 25 Q. -- signature block?

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1 **A. Yes.**
 2 Q. Just to make sure I understand the purpose
 3 of this document, what was your office informing Phil
 4 Boriskie was being investigated?
 5 **A. After he received a complaint from Ena --**
 6 **firefighter Draycott that she had filed a gender**
 7 **discrimination complaint against -- at that point it**
 8 **was an unknown employee in the fire department.**
 9 Q. Phil Boriskie is being told that Jane
 10 Draycott filed a gender discrimination complaint?
 11 **A. Yes.**
 12 Q. Do you know why this was sent to him?
 13 **A. It's just a notification letter that we send**
 14 **in cases such as when -- I would have to review the**
 15 **standard operating procedure in which cases -- it's a**
 16 **routine letter.**
 17 Q. Thank you very much. It's routine for -- is
 18 it routine -- is the letter a routine letter that's
 19 sent out to a department head --
 20 **A. Yes.**
 21 Q. -- when a discrimination complaint is being
 22 investigated relevant to his unit?
 23 **A. In this case, yes.**
 24 Q. Thank you. Now, the letter references
 25 retaliation. Do you see that?

| | |
|---|--|
| <p style="text-align: right;">Page 57</p> <p>1 A. (Witness moves head up and down.)</p> <p>2 Q. It says -- the letter states in the second</p> <p>3 paragraph: In filing a complaint, an employee is</p> <p>4 protected from retaliatory acts by federal laws, state</p> <p>5 laws, and City rules and regulations.</p> <p>6 Do you see that, sir?</p> <p>7 A. Yes.</p> <p>8 Q. Did I read that correctly?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. As a captain in OIG and as the -- I</p> <p>11 believe you were the unit commander?</p> <p>12 A. Myself?</p> <p>13 Q. Yes, sir.</p> <p>14 A. No. Division commander.</p> <p>15 Q. Division commander. Did your job require</p> <p>16 that you understand federal law prohibiting retaliation</p> <p>17 against persons who submit complaints of employment</p> <p>18 discrimination?</p> <p>19 A. Yes.</p> <p>20 Q. And retaliation complaints from employees</p> <p>21 are issues that OIG regularly investigated while you</p> <p>22 were in OIG?</p> <p>23 A. Yes.</p> <p>24 Q. Did you have training on what constituted</p> <p>25 unlawful retaliation?</p> | <p style="text-align: right;">Page 59</p> <p>1 requires additional information. Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Why is chief Boriskie directed to contact</p> <p>4 Sandra Robinson if he has -- if he needs additional</p> <p>5 information?</p> <p>6 A. Because the managers of the sections are</p> <p>7 familiar with any of the day-to-day operations of any</p> <p>8 investigation. So they would be able to respond to a</p> <p>9 department head quicker, in some cases, than I would.</p> <p>10 Q. He is not. Mr. Rodriguez is actually the</p> <p>11 person that is conducting the investigation into 0424,</p> <p>12 right?</p> <p>13 A. Gonzales.</p> <p>14 Q. Gonzales. Is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. Is there a reason he is being directed to</p> <p>17 Ms. Robinson and not Mr. Gonzales?</p> <p>18 A. Because Ms. Robinson would be familiar with</p> <p>19 the investigation, presumably, because managers keep</p> <p>20 track of their employees on a daily basis.</p> <p>21 Q. She is the manager of the ERU?</p> <p>22 A. Yes.</p> <p>23 Q. That's the division that is investigating --</p> <p>24 A. 04 --</p> <p>25 Q. That's the division that is investigating</p> |
| <p style="text-align: right;">Page 58</p> <p>1 A. Training would have occurred through the</p> <p>2 department, HPD. I would have to review those training</p> <p>3 records, because I don't recall specifically.</p> <p>4 Q. The training that you do recall, is it</p> <p>5 training that you believe is administered to everybody?</p> <p>6 A. Yes.</p> <p>7 Q. Do you recall receiving any training</p> <p>8 specifically because you were going to be the commander</p> <p>9 of the division?</p> <p>10 A. No.</p> <p>11 Q. No, okay. I am sorry. Let me rephrase</p> <p>12 that.</p> <p>13 Did you receive any training</p> <p>14 specifically because you were the commander of the</p> <p>15 division with respect to unlawful retaliation?</p> <p>16 A. No.</p> <p>17 Q. Have you ever investigated complaints of</p> <p>18 retaliation?</p> <p>19 A. No.</p> <p>20 Q. Why is chief Boriskie directed -- I am</p> <p>21 sorry.</p> <p>22 Let me go ahead and restart that</p> <p>23 question.</p> <p>24 The last paragraph of exhibit 3 directs</p> <p>25 chief Boriskie to contact Sandra Robinson if he</p> | <p style="text-align: right;">Page 60</p> <p>1 0424?</p> <p>2 A. Yes.</p> <p>3 Q. Thank you very much. I do appreciate your</p> <p>4 willingness to --</p> <p>5 A. I am trying to fill in.</p> <p>6 Q. I appreciate your willingness to do so, but</p> <p>7 for the record, let me finish the question.</p> <p>8 A. Yes, sir.</p> <p>9 Q. At this point I believe there are at least</p> <p>10 three people that are collecting information in some</p> <p>11 way for 0424. Is that correct? Sergeant McCoy, who --</p> <p>12 A. That's --</p> <p>13 Q. Let me answer -- ask the question.</p> <p>14 There is sergeant McCoy, who sent you a</p> <p>15 memo regarding 0424. Is that correct?</p> <p>16 A. That doesn't mean he is investigating the</p> <p>17 case.</p> <p>18 Q. Correct, but he collected information with</p> <p>19 respect to it and sent it to you. Is that correct?</p> <p>20 A. That's correct.</p> <p>21 Q. There is Mr. Gonzales, who is the</p> <p>22 investigator in 0424?</p> <p>23 A. Correct.</p> <p>24 Q. And now there is Ms. Robinson, who you</p> <p>25 testified that as a section manager she should be aware</p> |

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1 of what Mr. Gonzales is investigating with respect to
 2 that case. Is that correct?
 3 **A. Yes.**
 4 MS. COHEN: As an update, there is a
 5 flash flood warning until 1:30.
 6 MR. RUIZ: Should we go off the record
 7 for a second?
 8 (Recess from 10:59 to 11:00 a.m.)
 9 BY MR. RUIZ:
 10 Q. Jane Draycott's complaint was that she was
 11 being subjected to discrimination at station 54. Do
 12 you recall that from her -- from the record of
 13 complaint?
 14 **A. Yes.**
 15 Q. The slurs incident occurred at the same
 16 station. Is that right, sir?
 17 **A. Yes, it did.**
 18 Q. Now, is it fair to say that the
 19 investigation into gender discrimination and the
 20 investigation into the slurs was going to involve
 21 interviewing some of the same witnesses?
 22 **A. It would, yes.**
 23 Q. And at the time the investigations were
 24 ongoing, did you recognize that a witness may be
 25 interviewed twice, once for OIG 0424 and once for 0407?

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1 **A. I am speculating. I am sure I would have**
 2 **recognized that. I don't know specifically. Too much**
 3 **time has elapsed.**
 4 Q. Do you know if your office took any steps to
 5 let OIG investigators assigned to the two
 6 investigations aware that they would possibly be
 7 collecting information from the same witnesses?
 8 **A. The investigators may communicate with each**
 9 **other, but I wouldn't know that. They would -- but**
 10 **it's -- it's investigators in any investigation, as you**
 11 **are aware, that would -- there is always cross talk.**
 12 **So I would assume that this case would be no different,**
 13 **but I don't know specifically.**
 14 Q. Thank you. You don't know specifically
 15 whether or not --
 16 **A. They communicated about interviewing the**
 17 **same witnesses.**
 18 Q. Are you aware of any affirmative efforts
 19 that your office took to make sure that the
 20 investigators on the two matters were connected on what
 21 information they were collecting?
 22 **A. I would say that was unnecessary because**
 23 **exhibit 2 shows that there was communication.**
 24 Q. Exhibit 2, you are referring to --
 25 **A. So investigator McCoy, in referencing 0424,**

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1 **automatically knew that there was -- that obviously**
 2 **there was another investigation ongoing. So --**
 3 Q. Can you describe to me how his desk memo to
 4 you demonstrates communication with the investigator on
 5 0424?
 6 **A. I would have to review the investigative**
 7 **case file on 0424, but I believe it's part of the case**
 8 **file --**
 9 Q. If it's --
 10 **A. -- as an exhibit.**
 11 Q. Is that your only understanding, is that
 12 this should be part of the case file for 0424?
 13 **A. I don't know that it is. I believe that it**
 14 **is.**
 15 Q. Are you aware of any other evidence that
 16 demonstrates that the investigators on 0424 and 0407
 17 were sharing information with each other?
 18 **A. I don't know specifically of the**
 19 **conversations that took place.**
 20 Q. Do you know that they were sharing
 21 information with each other?
 22 **A. Do I know? I can't say one way or the**
 23 **other.**
 24 Q. Should they have been sharing information
 25 with each other?

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1 **A. Common sense would prevail, yeah, to say**
 2 **yes, but I don't know specifically again.**
 3 (Exhibit 4 marked.)
 4 Q. Sir, I am going to mark what is exhibit 4,
 5 Watkins exhibit 4. Now, Watkins exhibit 4 is Bates
 6 stamped HOU 00005870, and it runs through HOU 00005960.
 7 When I flip to the page Bates stamped 5871 at the
 8 bottom, it states that this document is -- it's from
 9 the City of Houston, interoffice correspondence. It's
 10 from Raymond Gonzales, senior investigator. The title
 11 of the document is investigative report. It's dated
 12 December 15th, 2009, and the subject is complaint of
 13 Ena Jane Draycott, OIG 09-424.
 14 Would you please take a moment to
 15 review this document? I am going to ask you some
 16 questions about it.
 17 **A. Given that it's a 90-page document, I will**
 18 **say that I can review it as we go along as you ask a**
 19 **question, if that's okay.**
 20 Q. In the materials that you reviewed, did you
 21 review the investigative report for 09-0424?
 22 **A. This document was a part of that, yes.**
 23 Q. So you reviewed this document in the last
 24 week. Is that correct?
 25 **A. Approximately a week, yeah.**

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1 Q. It was given to you -- a copy of this was
 2 given to you by the City either last Thursday or last
 3 Friday?
 4 **A. I believe that the document was given to me**
 5 **on Tuesday.**
 6 Q. It was on Tuesday?
 7 **A. Yes.**
 8 Q. Then you reviewed them last Thursday or last
 9 Friday?
 10 **A. Yes.**
 11 Q. And the copy of this document would be in
 12 the materials that I asked you to provide -- or asked
 13 that you provide this morning?
 14 **A. Yes.**
 15 Q. You have reviewed this document before?
 16 **A. Yes.**
 17 Q. Okay, thank you. Do you recognize it, sir?
 18 **A. Yes.**
 19 Q. Okay. What is it?
 20 **A. This is the investigative report for**
 21 **complaint 09-0424.**
 22 Q. Now, Raymond Gonzales, I understand, is the
 23 investigator assigned to 0424?
 24 **A. Correct.**
 25 Q. Who is he sending this to?

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1 **A. He is sending this ultimately to George**
 2 **Buenik, the inspector general.**
 3 Q. Does it go directly to the inspector
 4 general?
 5 **A. No. There are two levels of review. His**
 6 **manager, direct report, which is Sandra Robinson, who**
 7 **we spoke of earlier, and then myself.**
 8 Q. Sir, when -- would you please look at the
 9 last page of the -- of the exhibit. It's Bates stamped
 10 HOU 0005690?
 11 **A. 5960.**
 12 Q. Thank you. 5960.
 13 **A. Just checking.**
 14 Q. Thank you. Sir, do you recognize the
 15 signatures on this page?
 16 **A. Yes.**
 17 Q. Do you recognize any of those signatures as
 18 being yours?
 19 **A. Yes.**
 20 Q. Which one do you recognize as being yours?
 21 **A. One of the -- the most illegible on the far**
 22 **left index, the upper left signature.**
 23 Q. What I am going to do is I am going to hand
 24 you my pen, okay? I want you to circle on the exhibit
 25 which -- which signature is yours.

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1 **A. (Witness complies.)**
 2 Q. Now, I want you to go ahead and put the date
 3 by that -- by that circle.
 4 MS. COHEN: Today's date?
 5 MR. RUIZ: Today's date.
 6 **A. Next to the circle?**
 7 BY MR. RUIZ:
 8 Q. Correct. Just so we can have record that
 9 you identified that as your signature on this date.
 10 You can keep that with that.
 11 Now, the initials below the signature
 12 that you circled, do you recognize those?
 13 **A. Yes.**
 14 Q. Whose initials are those?
 15 **A. Those are chief Buenik's.**
 16 Q. Chief Buenik's, okay, thank you. What does
 17 your signature on this document represent?
 18 **A. That I have reviewed the document.**
 19 Q. Does it mean that you have approved the
 20 document?
 21 **A. It would also mean that, yes.**
 22 Q. And that you agree with it, sir?
 23 **A. Yes.**
 24 Q. Now, if -- you said that there were two
 25 levels of review between investigator Gonzales and

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1 inspector general Buenik. Is that correct?
 2 **A. Yes.**
 3 Q. You said there was Ms. Robinson and then
 4 yourself?
 5 **A. Yes.**
 6 Q. Did the document have to be reviewed,
 7 approved, and agreed with by Ms. Robinson before it
 8 went to your -- for your review?
 9 **A. Yes.**
 10 Q. Okay. So you and Ms. Robinson don't receive
 11 the document at the same time. She has to review and
 12 approve it first?
 13 **A. Yes.**
 14 Q. After she does so, it goes to you?
 15 **A. Yes.**
 16 Q. After you review it, sir -- you approve it
 17 and agree with it -- then what happens to it?
 18 **A. It goes to chief Buenik for final approval.**
 19 Q. Now, I understand that there is another type
 20 of document that's generated associated with an
 21 investigation other than an investigative report. I
 22 understand there is also something called an
 23 investigative synopsis?
 24 **A. Correct.**
 25 Q. Is that also called an investigative

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| <p>Page 69</p> <p>1 summary?</p> <p>2 A. Correct.</p> <p>3 Q. Now, what I want to know is if that same</p> <p>4 level or process of review applies to the investigative</p> <p>5 summary?</p> <p>6 A. Yes.</p> <p>7 Q. Now, let me make sure.</p> <p>8 The investigative summary for ERU, that</p> <p>9 wouldn't actually involve the investigator. Is that</p> <p>10 correct?</p> <p>11 A. I am sorry. Say that one more time.</p> <p>12 Q. The investigative summary, that's actually</p> <p>13 not drafted by the investigator, right?</p> <p>14 A. Let me rephrase that in my -- historically</p> <p>15 sometimes investigation summaries are drafted by the</p> <p>16 investigator. It's uncommon, but it does occur. So I</p> <p>17 cannot say it's always done that way.</p> <p>18 Q. No problem. I was trying to maybe save us</p> <p>19 some time. We will go through that document later.</p> <p>20 A. I wish, but I can't say.</p> <p>21 Q. I understand, no problem. Now,</p> <p>22 Mr. Gonzales, he was the investigator investigating</p> <p>23 Jane Draycott's discrimination complaint into gender</p> <p>24 discrimination, correct?</p> <p>25 A. Yes.</p> | <p>Page 71</p> <p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. I want to ask you about this page through --</p> <p>4 midway through 5887, okay? I am just going to ask you</p> <p>5 a few questions about that.</p> <p>6 A. Okay.</p> <p>7 Q. Now, there is some bolded type and type that</p> <p>8 is not bolded.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. What is in bold?</p> <p>12 A. Beginning with the on November 3rd, 2009?</p> <p>13 Q. No. Below that paragraph, there are bolded</p> <p>14 statements and there are statements not in bold, just a</p> <p>15 regular type, okay?</p> <p>16 A. Okay.</p> <p>17 Q. The bolded statements, other than the word</p> <p>18 relationship -- let's start with the bolded statement</p> <p>19 have you ever been in the women's restroom?</p> <p>20 A. Okay.</p> <p>21 Q. What is that bolded statement?</p> <p>22 A. That is the question that's provided to</p> <p>23 the -- in this case, firefighter Bullard.</p> <p>24 Q. So that's the question that investigator</p> <p>25 Gonzales would pose to the person providing the</p> |
| <p>Page 70</p> <p>1 Q. Now, does the investigative report outline</p> <p>2 the steps that he took?</p> <p>3 A. Yes.</p> <p>4 Q. If he took any other steps or if he took</p> <p>5 steps to investigate that matter, 0424, should that be</p> <p>6 documented in the investigative report?</p> <p>7 A. Yes, it should.</p> <p>8 Q. Now, is investigator Gonzales' role simply</p> <p>9 to collect facts?</p> <p>10 A. Factfinder.</p> <p>11 Q. Factfinder. Is he supposed to make a</p> <p>12 determination as to whether or not Jane was</p> <p>13 discriminated based on gender?</p> <p>14 A. No.</p> <p>15 Q. That's not his role?</p> <p>16 A. Correct.</p> <p>17 Q. Is that correct?</p> <p>18 A. Correct.</p> <p>19 Q. Would you please look at the page Bates</p> <p>20 stamped HOU 00005885. Now, halfway down the page, in</p> <p>21 italics, there is a paragraph that begins with, quote,</p> <p>22 on November 3rd, 2009, Mr. Bullard submitted a sworn</p> <p>23 statement to senior investigator Raymond Gonzales of</p> <p>24 the office of inspector general. The statement is</p> <p>25 reprinted below verbatim from the original statement.</p> | <p>Page 72</p> <p>1 statement?</p> <p>2 A. Yes.</p> <p>3 Q. Is that correct?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And the nonbolded information below</p> <p>6 each bolded statement, is that what the firefighter's</p> <p>7 response was?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Now, I want to direct you to the --</p> <p>10 the last question -- I am sorry -- the first two</p> <p>11 questions on page 5886.</p> <p>12 A. Okay.</p> <p>13 Q. The first question is: Have you urinated on</p> <p>14 the women's restroom wall, floor, toilet seat, sink,</p> <p>15 and mirror at fire station 54?</p> <p>16 Do you see that question, sir?</p> <p>17 A. Yes.</p> <p>18 Q. Did I read that correctly?</p> <p>19 A. Yes.</p> <p>20 Q. The next bolded question is: Do you have</p> <p>21 knowledge of any male firefighter urinating on the</p> <p>22 women's restroom wall, floor, toilet seat, sink, and</p> <p>23 mirror at fire station 54?</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p> |

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1 Q. Do you see any other questions relating to
2 males urinating in the women's restroom at station 54?
3 **A. The previous question asks if any male
4 firefighter being in women's restroom or women's dorm.
5 The answer, used the dorm.**
6 Q. You are referring to the previous question
7 on page 5885?
8 **A. Right. They are asking about the restroom
9 in that question, as well.**
10 Q. Okay. So other than those three questions,
11 do you see any other questions regarding males using
12 the women's restroom at station 54?
13 **A. Yes. We back up and the question prior to
14 that, have you ever been in the women's restroom or
15 women's dorm for any reason.**
16 Q. All right. With respect to persons
17 urinating on the restroom wall, floor, toilet seat, and
18 sink, do you see any other questions other than the
19 first two on page 5886?
20 **A. I believe that's all.**
21 Q. Okay. So he just kind of point blank asks
22 persons if they did it, right?
23 **A. Yes.**
24 Q. Is that what he is -- the extent of his
25 investigation as to -- discovering whether a person or

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1 male actually urinated on stuff?
2 **A. Is to ask that question did you or did you
3 not do that --**
4 Q. Correct.
5 **A. -- or did you or did you not see someone
6 that did --**
7 Q. Correct.
8 **A. Yes.**
9 Q. That's the extent of what he is required to
10 do to investigate that claim?
11 **A. Yes.**
12 Q. Okay. Do you know if he did anything other
13 than ask persons point blank whether the person had
14 urinated on the women's restroom wall, floor, seat --
15 toilet seat, sink, and mirror at fire station 54?
16 **A. I do not know.**
17 Q. Does Mr. Gonzales need to assess a witness'
18 credibility?
19 **A. No. In this case, no.**
20 Q. What cases would he have to assess a
21 witness' credibility?
22 **A. In this case he needed -- he is required to
23 interview all firefighters that would have been
24 associated with that particular station. So all
25 firefighters would have been interviewed.**

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1 Q. I know. I asked if he was supposed to
2 assess a witness' credibility. You said not in this
3 case.
4 I am asking in what cases would he?
5 **A. If -- I am trying to think of an example.
6 Perhaps if we identified a pattern of misconduct, that
7 would question -- that would bring a credibility issue
8 to the -- to that particular firefighter as an example.
9 Not specifically to this, but as an example of such.**
10 Q. But in this particular case, he wasn't
11 required to assess a witness' credibility?
12 **A. I do not know if he -- I do not know.**
13 Q. Okay. If he doesn't believe a witness, what
14 is he supposed to do?
15 **A. Well, we are limited because of chapter 143
16 in how we investigate sworn personnel, firefighters.
17 So unless there is a pattern that we can establish,
18 then there is not much else we can do unless there is
19 something that specifically targets that person.
20 Now....**
21 Q. In this particular situation when the
22 complaint involved firefighters, when he asked, you
23 know, did you do it point blank, I mean, he just has to
24 accept the no?
25 **A. Unless there is reason to doubt that that**

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1 **employee is dishonest, they are required to speak
2 truthfully. So there would be no reason to doubt that.**
3 Q. So how long have you been with the -- how
4 long were you with the police department, sir?
5 **A. 40 years.**
6 Q. 40 years. In that time, you believe that
7 everybody that you worked with or interviewed or
8 investigated spoke truthfully?
9 MS. COHEN: Objection; overbroad.
10 **A. Not everyone is truthful.**
11 BY MR. RUIZ:
12 Q. Agreed. So in this situation, what other
13 tool does Mr. Gonzales have other than asking a person
14 point blank did you do what she says, or did you
15 urinate in the women's restroom as she is alleging you
16 did?
17 **A. That would be the initial line of
18 questioning. You gather the responses from all the
19 firefighters. You review those responses and see that
20 they are consistent or if there is any inconsistencies.
21 And then you -- if the investigation
22 warrants -- for example, if somebody said -- I am
23 giving an example -- yes, firefighter A, I have seen
24 him numerous times in the women's restroom and it was
25 one of the dates that was targeted by Ms. Draycott,**

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| <p style="text-align: right;">Page 77</p> <p>1 then we would establish that as lack of credibility. 2 That did not occur in this case, I 3 believe. 4 Q. When you -- did you review -- you did review 5 this report? 6 A. Yes. 7 Q. And you approved of it, correct, approved of 8 the investigation? 9 A. At the time, yes. 10 Q. Now, did you think that -- when you reviewed 11 the questions that were being asked by Mr. Gonzales, 12 did you think those were effective questions to ask a 13 person? 14 A. Effective? Effective? 15 Q. Correct. That it's an effective technique 16 to ask a person point blank have you urinated on the 17 walls -- restroom wall, floor, toilet seat, sink, and 18 mirror at the fire station? 19 A. Yes, if you are dealing with honest 20 employees, yes. 21 Q. You think that a person would admit to that? 22 A. No. A person that's dishonest would not 23 admit to that, but other statements from other 24 personnel would lead us to that -- we would hope that 25 would lead us to that employee that was being</p> | <p style="text-align: right;">Page 79</p> <p>1 Q. But not for answering the ultimate larger 2 question? 3 A. That's correct. 4 Q. Okay. Now, if he is not responsible for 5 answering that question, who is? 6 A. Again, the discussion was that aspect of the 7 investigation was being investigated by the EEOC. So 8 ultimately, they would make that determination. 9 Q. Your understanding is nobody at OIG was 10 going to answer that larger question? 11 A. I am saying that in the investigative 12 report, that question, as you phrased it, was not 13 answered -- let me finish -- in the investigative 14 summary. 15 Q. Is it answered somewhere else? 16 A. No. But what I am saying is I want to be 17 specific as to where -- if you wanted to turn to a 18 particular page, you could say that's where it would 19 have been. 20 Q. If it were answered, it would be in the 21 investigative summary. 22 To be fair, you -- we would never find 23 it in the investigative report. Is that right? 24 A. No, but it would be -- again, it was not 25 hidden. Every document, most documents contain that</p> |
| <p style="text-align: right;">Page 78</p> <p>1 dishonest. 2 Q. So you wouldn't expect an employee to admit 3 to it, but you would expect other employees to provide 4 information about another employee? Is that what you 5 are saying? 6 A. An employee may very well admit to it. Just 7 in this particular case, other than admitting to going 8 to the restroom, that's as far as it went. 9 Q. Other than the questions that are listed on 10 this page, do you know of any other investigative tools 11 that Mr. Gonzales used to investigate 0424? 12 A. I do not know. 13 Q. Now, earlier we talked about the larger 14 question in 0424. You know, the sub questions were, 15 you know, were men urinating in the women's restroom, 16 and if you recall, the larger question was, was this -- 17 were the things happening to her because of her gender. 18 Is that fair? Do you recall that conversation between 19 you and I? 20 A. Yes. 21 Q. Now, is Mr. Gonzales responsible for 22 answering that larger question was she being 23 discriminated against based on her gender? 24 A. He is responsible for investigating the 25 specific allegations that were made.</p> | <p style="text-align: right;">Page 80</p> <p>1 element, so it was based on gender discrimination. 2 Q. I just want to make sure I am clear, Captain 3 Watkins. 4 In investigation OIG 09-0424, the 5 larger question as to whether or not Jane Draycott was 6 being discriminated because of her gender -- 7 discriminated against because of her gender won't be in 8 the investigative summary because it was being 9 investigated by the EEOC? 10 A. I am saying that in this case it was not in 11 the investigative summary. 12 Q. Okay. And I want to know why. 13 A. You asked me why. I said specifically that, 14 you know, I know the EEOC is investigating that 15 particular aspect of the complaint. 16 Q. And is that the reason why it's not 17 mentioned or -- 18 A. I am saying that could be the reason why. 19 Q. That could be the reason why, but do you 20 know the reason why it's not addressed? 21 A. I am saying that I don't -- it's not there, 22 and all I can -- all I can testify to is what's 23 actually in the document. 24 Q. Captain Watkins, I know it's not there. I 25 am trying to figure out why it's not there. If you</p> |

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| <p style="text-align: right;">Page 81</p> <p>1 don't know why it's not there, that's fine. But if</p> <p>2 it's because it's being investigated by the EEOC, fine.</p> <p>3 Tell me that. If you don't know why --</p> <p>4 A. I have already told you that.</p> <p>5 Q. You are saying it could be because of that.</p> <p>6 I want to know if you know that that's why it's not</p> <p>7 addressed in there?</p> <p>8 A. I don't know specifically, because I don't</p> <p>9 recall the conversations. I am speculating as to --</p> <p>10 since it's been ten years, I am speculating in this</p> <p>11 particular case why it didn't happen to be listed in</p> <p>12 the summary that you are trying to get me to go to.</p> <p>13 And I simply can't do that because I don't remember.</p> <p>14 MR. RUIZ: Let's take a five-minute</p> <p>15 break.</p> <p>16 (Recess from 11:29 to 11:36 a.m.)</p> <p>17 (Exhibit 5 marked.)</p> <p>18 BY MR. RUIZ:</p> <p>19 Q. We are back on the record. Sir, I am going</p> <p>20 to hand you what is going to be exhibit 5, Watkins</p> <p>21 exhibit 5. Now, exhibit 5 is Bates stamped</p> <p>22 HOU 00005851, and it runs through HOU 00005865. If you</p> <p>23 flip the first page over, it's titled confidential at</p> <p>24 the top, City of Houston, interoffice correspondence.</p> <p>25 It's dated December 21st, 2009. And the subject is</p> | <p style="text-align: right;">Page 83</p> <p>1 conclusion to have been drawn for a disposition of the</p> <p>2 specific allegations.</p> <p>3 Q. So there is essentially two parts. It's a</p> <p>4 summary of the facts contained in the investigative</p> <p>5 report?</p> <p>6 A. Yes.</p> <p>7 Q. And at the end I believe you said there</p> <p>8 would be a section on conclusions and recommendations?</p> <p>9 A. Yes.</p> <p>10 Q. Is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Now, we have been discussing whether</p> <p>13 or not the larger question of whether Ms. Draycott was</p> <p>14 being subjected to discrimination based on her gender</p> <p>15 had been addressed. Do you remember us talking about</p> <p>16 that?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Now, my understanding from our</p> <p>19 conversations is that that larger question is not</p> <p>20 addressed in this investigative synopsis. Is that</p> <p>21 correct?</p> <p>22 A. That's correct.</p> <p>23 Q. And my understanding from our conversations</p> <p>24 is that you believe that could be because there was an</p> <p>25 ongoing investigation by the EEOC?</p> |
| <p style="text-align: right;">Page 82</p> <p>1 complaint of Ena Jane Draycott, OIG 09-0424. It's</p> <p>2 bolded before the first paragraph investigative</p> <p>3 synopsis.</p> <p>4 Would you please review this document,</p> <p>5 sir? I am going to ask you some questions about its</p> <p>6 contents.</p> <p>7 A. This document, I reviewed this document.</p> <p>8 Q. When did you review this document, sir?</p> <p>9 A. This would have been reviewed last Thursday</p> <p>10 or Friday -- Thursday or Friday of last week.</p> <p>11 Q. A copy of this was provided to you by the</p> <p>12 City?</p> <p>13 A. That's correct.</p> <p>14 Q. Okay. Now, who authored this document?</p> <p>15 A. I am sorry?</p> <p>16 Q. Who authored this document?</p> <p>17 A. That would have been Sandra W. Robinson, the</p> <p>18 division manager of OIG ERU.</p> <p>19 Q. ERU? And is this the investigative synopsis</p> <p>20 that you and I have discussed earlier?</p> <p>21 A. Yes.</p> <p>22 Q. Can you describe to me what is in an</p> <p>23 investigative synopsis?</p> <p>24 A. It's a summary of the investigative report</p> <p>25 and then a section at the end for -- for -- a</p> | <p style="text-align: right;">Page 84</p> <p>1 A. Yes.</p> <p>2 Q. Now, if there wasn't an ongoing</p> <p>3 investigation by the EEOC into the same matter, would</p> <p>4 you expect that larger question to be addressed in the</p> <p>5 investigative synopsis?</p> <p>6 A. It may very well have been.</p> <p>7 Q. Would you -- while you were in command at</p> <p>8 OIG, would you expect that larger question to be</p> <p>9 addressed when an investigator submitted an</p> <p>10 investigative synopsis to you?</p> <p>11 A. Too much time has gone by to answer that</p> <p>12 definitively.</p> <p>13 Q. Okay. Sir, would you please flip to</p> <p>14 page 5865? It's the last page in the document, sir.</p> <p>15 Do you recognize your signature on that document?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. What does your signature on this</p> <p>18 document represent?</p> <p>19 A. That it had been reviewed and approved.</p> <p>20 Q. Does it also mean that you agreed with its</p> <p>21 contents?</p> <p>22 A. Yes.</p> <p>23 Q. Do you recall discussing -- okay. Let me</p> <p>24 understand.</p> <p>25 Going back to the first page of the</p> |

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| <p style="text-align: right;">Page 85</p> <p>1 synopsis where it illustrates that the document is from</p> <p>2 Ms. Robinson, ultimately to the inspector general</p> <p>3 Buenik and to you, sir, is there a level of review</p> <p>4 between Sandra Robinson and director Buenik before it</p> <p>5 arrives on director Buenik's desk?</p> <p>6 A. That would be myself.</p> <p>7 Q. So do you review and approve the document</p> <p>8 before it's provided to the inspector general:</p> <p>9 Mr. Buenik?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Do you recall having any</p> <p>12 conversations with Ms. Robinson about the investigative</p> <p>13 synopsis she provided to you?</p> <p>14 A. It's been too much time. I can't remember.</p> <p>15 (Exhibit 6 marked.)</p> <p>16 Q. I am going to hand you what is going to be</p> <p>17 marked as Watkins exhibit 6. Watkins exhibit 6 is</p> <p>18 Bates stamped HOU 00005844. The top of it says it</p> <p>19 confidential, City of Houston. It's dated</p> <p>20 January 13th, 2010, and the subject of the document</p> <p>21 re: line is OIG 2009-0424.</p> <p>22 Would you please review the document,</p> <p>23 and let me know when you are ready for me to answer --</p> <p>24 ask some questions about its contents?</p> <p>25 A. I have reviewed the document.</p> | <p style="text-align: right;">Page 87</p> <p>1 A. Correct.</p> <p>2 Q. Now, does the letter to Ms. Draycott address</p> <p>3 that larger question of gender discrimination that we</p> <p>4 have been discussing?</p> <p>5 A. No.</p> <p>6 Q. Do you know why this letter does not address</p> <p>7 that larger question of gender discrimination that we</p> <p>8 have been discussing?</p> <p>9 MS. COHEN: Objection; calls for</p> <p>10 speculation.</p> <p>11 A. I don't recall.</p> <p>12 BY MR. RUIZ:</p> <p>13 Q. Do you know if Ms. Draycott was ever</p> <p>14 informed whether or not the City found -- whether or</p> <p>15 not she was being subjected to gender discrimination?</p> <p>16 A. I do not know.</p> <p>17 Q. You do not know, okay. Captain Watkins, are</p> <p>18 there any other investigative techniques that could</p> <p>19 have been used in investigation 0424 to find out who</p> <p>20 was responsible for the conduct Jane Draycott</p> <p>21 complained of?</p> <p>22 MS. COHEN: Objection; overbroad, calls</p> <p>23 for speculation.</p> <p>24 A. I would have to go back and review the</p> <p>25 investigation to say -- to answer that question with</p> |
| <p style="text-align: right;">Page 86</p> <p>1 Q. When you say you reviewed the document, did</p> <p>2 you just review it today, or was it part of the -- was</p> <p>3 it one of the documents --</p> <p>4 A. Yes. Part of the documents that were --</p> <p>5 Q. Is it one of the documents that the City</p> <p>6 provided for you to review?</p> <p>7 A. Yes.</p> <p>8 Q. And this document, it relates to</p> <p>9 investigation 0424. Is that correct?</p> <p>10 A. That's correct.</p> <p>11 Q. Now, is this document -- what is this</p> <p>12 document?</p> <p>13 A. This is a final disposition letter sent to</p> <p>14 complainant -- in this case, firefighter Draycott -- of</p> <p>15 the results of the investigation of OIG 209-0424.</p> <p>16 Q. So you say it was a final disposition</p> <p>17 letter. Is that what you called it?</p> <p>18 A. Yes. It probably is referred to by other</p> <p>19 names.</p> <p>20 Q. All right. And is it a letter that's</p> <p>21 generated at the conclusion of the investigation of</p> <p>22 09-0424?</p> <p>23 A. Yes.</p> <p>24 Q. And it is sent to the complainant. Is that</p> <p>25 correct?</p> | <p style="text-align: right;">Page 88</p> <p>1 some level of confidence.</p> <p>2 BY MR. RUIZ:</p> <p>3 Q. Well, let's look at the investigative</p> <p>4 report, okay? The investigative report is exhibit 4.</p> <p>5 That should be in front of you.</p> <p>6 And you testified that if a process was</p> <p>7 used to investigate it, it should be described in the</p> <p>8 investigative report. Is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Now, did Mr. Gonzales do anything</p> <p>11 other than interview witnesses and take witness</p> <p>12 statements in investigating 0424?</p> <p>13 A. Yes, he did.</p> <p>14 Q. What else did he do other than take witness</p> <p>15 statements?</p> <p>16 A. Exhibit 46, he collected work orders from</p> <p>17 the cold water incident. He collected the other</p> <p>18 incident, the daily work roster, daily work --</p> <p>19 exhibit 48, work orders for fire station 54; hot water</p> <p>20 not working, exhibit 49; alarm system work orders by --</p> <p>21 status, work orders; work orders 52 through --</p> <p>22 through 52; other e-mails that were collected in</p> <p>23 exhibit 53. There was the document I referenced a</p> <p>24 little while ago, the sergeant McCoy memo that he did</p> <p>25 in fact reference in exhibit 54; and then copies of</p> |

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| <p style="text-align: right;">Page 89</p> <p>1 correspondence that -- the EEOC complaint and various</p> <p>2 other pieces of correspondence.</p> <p>3 I don't think you need me to list them</p> <p>4 here.</p> <p>5 Q. So he interviewed witnesses. He collected</p> <p>6 statements and then collected some other documents that</p> <p>7 he thought were relevant to the investigation?</p> <p>8 A. That's correct.</p> <p>9 Q. Do you know of any other investigative</p> <p>10 techniques that he could have used?</p> <p>11 A. In this particular case? Since we are</p> <p>12 reporting after the fact, no.</p> <p>13 Q. Could evidence have been collected at the</p> <p>14 time?</p> <p>15 A. Depends on the circumstances.</p> <p>16 Q. Okay. If there were other investigative</p> <p>17 techniques that were used, they should be in this</p> <p>18 report. Is that correct?</p> <p>19 A. If there were.</p> <p>20 Q. Correct, right?</p> <p>21 A. Yes.</p> <p>22 Q. If he did something, it should be in this</p> <p>23 report, right?</p> <p>24 A. Yes.</p> <p>25 MR. RUIZ: Okay. Thank you very much.</p> | <p style="text-align: right;">Page 91</p> <p>1 A. Once it's signed off by the inspector</p> <p>2 general?</p> <p>3 Q. Yes, sir.</p> <p>4 A. Then it would go to City legal and to the</p> <p>5 department head.</p> <p>6 Q. In this case, being that it was with the</p> <p>7 Houston Fire Department, it would have gone to chief</p> <p>8 Boriskie?</p> <p>9 A. That's correct.</p> <p>10 Q. Would it have also gone to an office called</p> <p>11 staff services? Is that correct?</p> <p>12 A. Well, it would have gone to chief Boriskie.</p> <p>13 Now, who actually receives it and opens it and time</p> <p>14 stamps it. I don't know.</p> <p>15 Q. But the OIG would not have had any</p> <p>16 responsibility for taking any disciplinary actions?</p> <p>17 A. That's right.</p> <p>18 Q. Thank you very much. I am done with that</p> <p>19 exhibit.</p> <p>20 Sir, I want to move on to another</p> <p>21 investigation that we have been discussing, focus on</p> <p>22 that incident now and that investigation. It's</p> <p>23 investigation 09-0407. It is the incident involving</p> <p>24 the discovery of the slurs at -- in the women's dorm at</p> <p>25 station 54. Do you understand that?</p> |
| <p style="text-align: right;">Page 90</p> <p>1 I am at a really good stopping place for lunch. Go off</p> <p>2 the record.</p> <p>3 (Recess from 11:50 a.m. to 12:37 p.m.)</p> <p>4 BY MR. RUIZ:</p> <p>5 Q. We are going to go back on the record.</p> <p>6 Captain Watkins, we are back from our</p> <p>7 break. Do you understand that you are still under</p> <p>8 oath?</p> <p>9 A. Yes.</p> <p>10 Q. Thank you. Sir, when we left off, we were</p> <p>11 looking at exhibit 5, the investigative synopsis for</p> <p>12 09-0424. Would you please look at it, sir?</p> <p>13 A. All right.</p> <p>14 Q. Now, on the last two pages, there is some</p> <p>15 different recommendations that are made by the author,</p> <p>16 Sandra Robinson. Do you see those?</p> <p>17 A. Yes.</p> <p>18 Q. OIG, if there was recommendations that were</p> <p>19 being made, the recommendations to take actions, it's</p> <p>20 not OIG that actually would take that action. Is that</p> <p>21 correct?</p> <p>22 A. Are you talking about disciplinary action?</p> <p>23 That's correct.</p> <p>24 Q. That is correct. What division does this</p> <p>25 document go to?</p> | <p style="text-align: right;">Page 92</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Do you recall that incident</p> <p>3 occurring, sir?</p> <p>4 A. Yes.</p> <p>5 Q. And OIG investigated that incident. Is that</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. Did OIG approach that session as an</p> <p>9 employment discrimination case or as a criminal case?</p> <p>10 A. Criminal case.</p> <p>11 Q. Could it also have been approached as an</p> <p>12 employment discrimination case?</p> <p>13 A. Not at the time of the occurrence.</p> <p>14 Q. Not at the time of occurrence. Why not?</p> <p>15 A. Because we were -- at the time we wanted to</p> <p>16 ascertain if it was a graffiti-related incident or if</p> <p>17 it was something other than that.</p> <p>18 Q. I want to see -- ask you about the beginning</p> <p>19 of the investigation, okay?</p> <p>20 When the -- after the slurs were</p> <p>21 discovered and OIG initiated an investigation, what</p> <p>22 division or section was the investigation assigned to?</p> <p>23 A. Still the criminal investigations.</p> <p>24 Q. Criminal -- the criminal investigation unit?</p> <p>25 A. That's correct.</p> |

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| <p style="text-align: right;">Page 93</p> <p>1 Q. I believe that one is -- the section manager</p> <p>2 of that one is lieutenant David?</p> <p>3 A. David, correct.</p> <p>4 Q. What do you remember about the beginning of</p> <p>5 the investigation?</p> <p>6 A. In terms of how the call came through or in</p> <p>7 terms of how we responded or --</p> <p>8 Q. Let's start with how the call came through.</p> <p>9 What do you remember about that?</p> <p>10 A. Call came through from someone from the fire</p> <p>11 department. We received it in our office. I don't</p> <p>12 recall the time. It was somewhere between 6:30 and --</p> <p>13 a.m. somewhere around that time on July 7th, I believe.</p> <p>14 Lieutenant David contacted me.</p> <p>15 We sent two investigators and called</p> <p>16 for them to send a crime scene unit, based on the fact</p> <p>17 that it came in as a discrimination -- not a</p> <p>18 discrimination -- excuse me -- very big -- there is</p> <p>19 some sort of graffiti-type call in one of the fire</p> <p>20 stations. It was on Intercontinental premises, which</p> <p>21 is, as you know, more secure than most of the other</p> <p>22 fire stations.</p> <p>23 Q. Do you know if sergeant McCoy was one of the</p> <p>24 investigators that was sent to the fire station that</p> <p>25 day?</p> | <p style="text-align: right;">Page 95</p> <p>1 Perret was assigned to go out to station 54?</p> <p>2 A. It would have been along the same lines that</p> <p>3 we knew that an incident such as that -- we would have</p> <p>4 to obtain statements from anybody that was currently</p> <p>5 there before anybody could go. We needed that --</p> <p>6 enough investigative muscle to make sure that could</p> <p>7 happen in a relatively -- relatively fast time period.</p> <p>8 Q. Trying to staff it appropriately given what</p> <p>9 it was. Is that what it was?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Now, going forward after the</p> <p>12 beginning of the investigation, was it sergeant McCoy</p> <p>13 or sergeant Perret that was -- or did both remain</p> <p>14 assigned to investigate the case?</p> <p>15 A. Cases become assigned to lead investigators.</p> <p>16 Once the initial callout is completed, that would have</p> <p>17 been assigned to sergeant McCoy as the lead</p> <p>18 investigator.</p> <p>19 Q. Would sergeant -- was it sergeant Perret?</p> <p>20 Was that his rank, sergeant, as well?</p> <p>21 A. Yes.</p> <p>22 Q. What is sergeant Parrett's first name?</p> <p>23 A. Ronald.</p> <p>24 Q. And sergeant McCoy, what is his first name?</p> <p>25 A. David.</p> |
| <p style="text-align: right;">Page 94</p> <p>1 A. Correct, yes, yes.</p> <p>2 Q. Sergeant McCoy was sent to the fire station</p> <p>3 that day?</p> <p>4 A. Yes.</p> <p>5 Q. Is there any particular reason that sergeant</p> <p>6 McCoy was assigned to the investigation?</p> <p>7 A. He was probably next up on the callout list,</p> <p>8 but I could be mistaken.</p> <p>9 Q. What is the callout list?</p> <p>10 A. That is the individuals who are assigned to</p> <p>11 respond to calls after hours, and that rotates among</p> <p>12 investigators as need be.</p> <p>13 Q. So there is a list, and if something comes</p> <p>14 up and you are next on the list, you are just assigned</p> <p>15 to that investigation?</p> <p>16 A. That is correct.</p> <p>17 Q. Thank you. You mentioned that there were</p> <p>18 two investigators that were sent out to the station</p> <p>19 that day?</p> <p>20 A. Yes.</p> <p>21 Q. Other than sergeant McCoy, do you know who</p> <p>22 else was sent?</p> <p>23 A. Sergeant Ronnie Perret or Ronald Perret,</p> <p>24 P-e-r-r-e-t -- maybe double T. I'm not sure.</p> <p>25 Q. What is your understanding of how sergeant</p> | <p style="text-align: right;">Page 96</p> <p>1 Q. Would sergeant Perret have remained on the</p> <p>2 investigation as an investigator?</p> <p>3 A. Sergeant Perret would have remained as an</p> <p>4 investigator as needed, but again, the lead</p> <p>5 investigator is -- is that, the -- it's assigned to a</p> <p>6 singular individual that's responsible.</p> <p>7 Q. Do you remember if sergeant McCoy provided</p> <p>8 you verbal updates with respect to 0407?</p> <p>9 A. It's been a very long time, but that was a</p> <p>10 very serious investigation. So we discussed that all</p> <p>11 the time, and it was between myself and sergeant McCoy,</p> <p>12 myself and lieutenant David, myself and other members</p> <p>13 of the department.</p> <p>14 Q. Why did you say it was a very important</p> <p>15 investigation?</p> <p>16 A. Because of the seriousness of the</p> <p>17 allegation.</p> <p>18 Q. I am sorry. Just so I understand, when you</p> <p>19 say the allegation, what is the allegation you were</p> <p>20 referring to?</p> <p>21 A. Well, the criminal mischief, based on the</p> <p>22 language that was used in the criminal mischief.</p> <p>23 Q. Was it -- is it the nature of the crime that</p> <p>24 makes it so important?</p> <p>25 A. Yes, yes.</p> |

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| <p style="text-align: right;">Page 97</p> <p>1 Q. Okay. Now, you said discuss it all the time</p> <p>2 with sergeant McCoy and lieutenant David. Is that</p> <p>3 correct?</p> <p>4 A. Yes, often.</p> <p>5 Q. Would you offer guidance on investigatory</p> <p>6 tools that should be employed in the investigation?</p> <p>7 A. As need be, yes.</p> <p>8 Q. Do you remember giving them any direction</p> <p>9 with respect to their investigation?</p> <p>10 A. Specifically, no.</p> <p>11 Q. The purpose of your conversations with</p> <p>12 lieutenant McCoy -- I am sorry -- sergeant McCoy, was</p> <p>13 it to provide him direction or for you to obtain</p> <p>14 information?</p> <p>15 A. It was to provide me with information as to</p> <p>16 how the investigation was proceeding.</p> <p>17 Q. So in the conversations between you and</p> <p>18 sergeant McCoy, it would have been him updating you on</p> <p>19 the progress in the investigation?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And with respect to conversations in</p> <p>22 which lieutenant David were involved, was it for you to</p> <p>23 provide him with direction or for him to provide you</p> <p>24 with information with respect to how the information</p> <p>25 was -- how the investigation was proceeding?</p> | <p style="text-align: right;">Page 99</p> <p>1 Q. And is it the investigative report for</p> <p>2 investigation OIG 2009-0407?</p> <p>3 A. Correct.</p> <p>4 Q. And is this sergeant McCoy's written work</p> <p>5 product?</p> <p>6 A. Yes.</p> <p>7 Q. Will you please tell me what the</p> <p>8 investigative report for 09-0407 describes?</p> <p>9 A. It describes the steps taken in the</p> <p>10 investigation, any evidence that may have been</p> <p>11 collected, any exhibits that may have been collected in</p> <p>12 the form of documents, and then any investigative notes</p> <p>13 that were pertinent to the investigation.</p> <p>14 Q. So is this essentially a summary of the</p> <p>15 evidence that was collected with respect to that</p> <p>16 investigation?</p> <p>17 A. It would be a list of the evidence that was</p> <p>18 collected, yes.</p> <p>19 Q. If there was evidence collected that was</p> <p>20 important to the investigation OIG 0407, would that</p> <p>21 evidence be described in this document?</p> <p>22 A. It would be documented here, yeah.</p> <p>23 Q. If sergeant McCoy found evidence important</p> <p>24 to OIG investigation 09-0407, am I correct that the</p> <p>25 evidence would be referenced in the investigative</p> |
| <p style="text-align: right;">Page 98</p> <p>1 A. Well, part of my responsibility would be to</p> <p>2 provide direction if need be. I don't recall in this</p> <p>3 case if that was necessary. I don't remember.</p> <p>4 Q. But with respect to sergeant McCoy, you</p> <p>5 remember it was primarily for him to provide you with</p> <p>6 information?</p> <p>7 A. Yes.</p> <p>8 (Exhibit 7 marked.)</p> <p>9 Q. Captain Watkins, I am handing you what is</p> <p>10 going to be marked as exhibit 7. Now, exhibit 7 is</p> <p>11 Bates marked HOU 00000729, and it runs through</p> <p>12 HOU 0000773. It's dated November 19th, 2009. It's --</p> <p>13 the top says confidential, City of Houston, and the</p> <p>14 title of the document is investigative report.</p> <p>15 Please take a moment to review the</p> <p>16 document. I am going to ask you about its contents.</p> <p>17 A. Well, I have reviewed this document</p> <p>18 previously. A lot of the pages are illegible on this</p> <p>19 copy.</p> <p>20 Q. Let me get you a legible copy. You may want</p> <p>21 to switch out the sticker.</p> <p>22 A. Yes, I have reviewed this document.</p> <p>23 Q. Sir, is this one of the documents that the</p> <p>24 City provided you for review last week?</p> <p>25 A. Yes.</p> | <p style="text-align: right;">Page 100</p> <p>1 report?</p> <p>2 A. It should be, correct.</p> <p>3 Q. Now, does the report also describe the</p> <p>4 processes used by the Houston Police Department to</p> <p>5 summarize the evidence described in the report?</p> <p>6 A. Yes.</p> <p>7 Q. I believe if you reviewed the document, one</p> <p>8 of the processes described was statements taken from</p> <p>9 firefighters?</p> <p>10 A. Correct.</p> <p>11 Q. Were handwriting samples collected from</p> <p>12 firefighters present during a set time frame?</p> <p>13 A. Yes.</p> <p>14 Q. Was one of the processes used in</p> <p>15 investigating the matter submitting handwriting</p> <p>16 analysis material to the FBI?</p> <p>17 A. Yes.</p> <p>18 Q. Were polygraphs administered to more than a</p> <p>19 dozen firefighters?</p> <p>20 A. Yes.</p> <p>21 Q. Were gate entry times for different</p> <p>22 firefighters collected and reviewed by the office of</p> <p>23 inspector general?</p> <p>24 A. Yes.</p> <p>25 Q. Do you know of any other investigative tools</p> |

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| <p style="text-align: right;">Page 101</p> <p>1 that were used in OIG 09-0407?</p> <p>2 A. You did cover the polygraph?</p> <p>3 Q. Yes, sir.</p> <p>4 A. I don't know the exact number of people who</p> <p>5 were polygraphed.</p> <p>6 Q. That's fine. But do you know of any other</p> <p>7 investigative tools other than the ones I have just</p> <p>8 asked about that were used?</p> <p>9 A. There may have been others.</p> <p>10 Q. There may have been others?</p> <p>11 A. Yeah.</p> <p>12 Q. Okay.</p> <p>13 A. Well, in fact, I just thought of one, crime</p> <p>14 scene unit was called to the scene. And officer</p> <p>15 Verbitskey. I think I mentioned that earlier that we</p> <p>16 had called for a crime scene unit.</p> <p>17 Q. You did, sir. I am sorry I didn't recall</p> <p>18 that.</p> <p>19 I didn't catch the pronunciation --</p> <p>20 A. Verbitskey.</p> <p>21 Q. Verbitskey?</p> <p>22 A. Yes, V-e-r-b-i-t-s-k-e-y, on 0000729.</p> <p>23 Q. Thank you very much.</p> <p>24 A. Lorenzo.</p> <p>25 Q. So sir, do you feel that there was a</p> | <p style="text-align: right;">Page 103</p> <p>1 BY MR. RUIZ:</p> <p>2 Q. Now, exhibit 8, sir, it's Bates stamped</p> <p>3 HOU 00001472, and it runs through HOU 0001494.</p> <p>4 A. 1495?</p> <p>5 Q. Thank you, 1495, sir. It's dated</p> <p>6 March 30th, 2010. The subject is OIG 2009407. That's</p> <p>7 the front page, okay?</p> <p>8 Now, if you flip to the second page,</p> <p>9 which is Bates stamped HOU 0001473, it's dated</p> <p>10 March 23, 2010. The subject is complaint of Ena Jane</p> <p>11 Draycott and PD Keyes, OIG 09-0407. The title of the</p> <p>12 document is investigative summary.</p> <p>13 Do you see that, sir?</p> <p>14 A. Yes.</p> <p>15 Q. Would you please take a moment to review the</p> <p>16 document? I am going to ask you some questions about</p> <p>17 it.</p> <p>18 A. I have reviewed this document previously.</p> <p>19 Q. Is -- is this one of the documents that the</p> <p>20 City provided to you last week for your review?</p> <p>21 A. Yes.</p> <p>22 Q. Before the City had provided it to you for</p> <p>23 your review, had you seen it before?</p> <p>24 A. This?</p> <p>25 Q. Have you seen exhibit 8 before the City</p> |
| <p style="text-align: right;">Page 102</p> <p>1 complete investigation that was conducted by OIG with</p> <p>2 respect to 09-0407?</p> <p>3 A. Yes.</p> <p>4 Q. Is there any investigative tool that you</p> <p>5 think should have been used that was not?</p> <p>6 A. I am not aware of any.</p> <p>7 Q. I am going to hand you what is going to be</p> <p>8 marked as exhibit 8. Would you please review</p> <p>9 exhibit 8? It is Bates stamped HOU 00001496 through</p> <p>10 HOU 00001540. It's dated March 23rd -- I am looking at</p> <p>11 the wrong exhibit.</p> <p>12 A. It's all right. My phone went off.</p> <p>13 What was the last number? 0001541?</p> <p>14 Q. I think I gave you the wrong exhibit. I</p> <p>15 apologize. That's exhibit 7.</p> <p>16 I gave you a copy of another</p> <p>17 investigative report and marked it with a different</p> <p>18 exhibit. I apologize.</p> <p>19 So what I am doing is I am taking back</p> <p>20 what I gave to you, okay?</p> <p>21 MS. COHEN: You realize these are two</p> <p>22 different dates, right? They are not the same report.</p> <p>23 (Exhibit 8 marked.)</p> <p>24 MR. RUIZ: I have re-marked exhibit 8,</p> <p>25 okay? I am handing it to you, sir.</p> | <p style="text-align: right;">Page 104</p> <p>1 provided it to you?</p> <p>2 A. Well, I would assume so. My signature is on</p> <p>3 the first page.</p> <p>4 Q. Okay. Now, is this the investigative</p> <p>5 summary for investigation 09-0407?</p> <p>6 A. It's a -- I believe it's an update once the</p> <p>7 FBI handwriting analysis was received.</p> <p>8 Q. When you say it was an update, was there an</p> <p>9 earlier version?</p> <p>10 A. Yes, the initial version where the</p> <p>11 handwriting analysis was reviewed by the Department of</p> <p>12 Public Safety only.</p> <p>13 Q. Would there be anything in this -- so does</p> <p>14 this document include more information than the</p> <p>15 previous summary or less?</p> <p>16 A. It includes more. It includes the FBI</p> <p>17 handwriting analysis.</p> <p>18 Q. Was that information relating to the FBI</p> <p>19 analysis just added to the previous document?</p> <p>20 A. That's correct, as an addendum, yes.</p> <p>21 Q. Okay. Now, what is the purpose of this</p> <p>22 investigative summary?</p> <p>23 A. Exhibit 8?</p> <p>24 Q. No. Just -- exhibit 8, yes, sir. What is</p> <p>25 the purpose of this investigative summary?</p> |

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1 A. Purpose is to summarize the investigation
2 and to reach conclusions and recommendations as to the
3 final outcome and disposition.
 4 Q. Now, looking at Bates No. HOU 00001473, the
 5 second page of the document, I just want to go through
 6 the review process for this document, okay? Was it
 7 drafted by lieutenant David?
8 A. I don't know specifically. I would assume
9 so. It was turned in by lieutenant David, but I don't
10 know specifically if he drafted the entire document
11 himself.
 12 Q. Okay. It's from lieutenant David. Before
 13 it goes to inspector general Buenik, does it go to you?
14 A. Yes, it does.
 15 Q. Do you read, review, and approve it before
 16 it goes to the inspector general?
17 A. Yes, I do.
 18 Q. So when it goes to the inspector general,
 19 you have already read, reviewed, and approved whatever
 20 is in this document?
21 A. Yes.
 22 Q. Okay, thank you. The investigative summary,
 23 does it differ -- the investigative summary for 09-407,
 24 does it differ from the investigative report in that
 25 it -- the investigative summary also includes

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1 conclusions and recommendations?
2 A. Would you mind repeating that?
 3 Q. Sure. There is -- we have covered the
 4 investigative report for 09-407?
5 A. Yes.
 6 Q. Now we are looking at the investigative
 7 summary for 09-407?
8 A. Yes.
 9 Q. I want to understand the difference between
 10 the two. My understanding is the investigative report
 11 details evidence that was collected. Is that fair?
12 A. Yes.
 13 Q. Okay. And in addition to summarizing some
 14 evidence, the investigative summary also puts forth
 15 some conclusions and recommendations?
16 A. Yes.
 17 Q. Is that fair?
18 A. Yes, conclusion and recommendations.
 19 Q. Now, if there was evidence that was
 20 collected by OIG that was important to the
 21 investigation of 407, would that be described in this
 22 document in the investigative summary?
23 A. Yes.
 24 Q. Okay. If you knew of evidence important to
 25 OIG investigation 0407, am I correct that that evidence

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1 would be referenced in the investigative summary?
2 A. It should be, correct.
 3 Q. Now, after all the steps that are taken, you
 4 know, in the investigation -- we covered those
 5 different investigative tools -- does the investigative
 6 report and the investigative summary identify the
 7 individual responsible for the slurs found on the walls
 8 of the women's dorm at station 54?
9 A. No, it does not.
 10 Q. Now, based on the investigation, can you say
 11 who is responsible for the slurs found on the walls of
 12 the women' dorm in station 54?
13 A. No.
 14 Q. Did that investigation 0407 even conclude
 15 that even one person is responsible for the slurs found
 16 on the walls of the women' dorm on station 54?
17 A. No, it did not.
 18 Q. Did the OIG establish that it was actually a
 19 firefighter who was responsible for the slurs found on
 20 the walls at the women's dorm at station 54?
21 A. The conclusion was drawn because the access
22 in the fire station between -- there was an
23 exterminator that came in that provided a statement
24 that said that had that occurred the day before -- at
25 12:53, I believe was the time -- that it would not have

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1 gone unnoticed.
2 So we knew from that point forward that
3 we had a document that listed all the people that
4 entered the facility between that time frame and the
5 time it was discovered by firefighter Draycott.
6 So the conclusion would be based on
7 that and could be -- and the fact that a firefighter
8 was the likely suspect of that event.
 9 Q. So they concluded that a firefighter did it,
 10 or they concluded that a firefighter was the likely
 11 suspect? I will go ahead and refer you to page
 12 HOU 001494, the last paragraph.
13 A. Appears it is likely is as the document
14 stated.
 15 Q. So --
16 A. It does not eliminate some other person --
17 that some other person could have entered the facility.
 18 Q. Let me ask that question again.
 19 So did the OIG establish that it was
 20 actually a firefighter who was responsible for the
 21 slurs --
22 A. No.
 23 Q. -- found on the walls of the women's dorm at
 24 station 54?
25 A. No.

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| <p style="text-align: right;">Page 109</p> <p>1 Q. Sir, prior to the drafting of the</p> <p>2 investigative report by sergeant McCoy, prior to its</p> <p>3 drafting, did you provide chief Boriskie with updates</p> <p>4 on the status of this investigation?</p> <p>5 A. I spoke with chief Boriskie about the</p> <p>6 initial polygraphs, gaining his permission for us to</p> <p>7 begin extraordinary circumstances to polygraph the</p> <p>8 firefighters.</p> <p>9 There may have been one other</p> <p>10 additional conversation, but it didn't detail any</p> <p>11 aspects of the investigation itself.</p> <p>12 So as far as updates, no, I did not</p> <p>13 give him general updates.</p> <p>14 Q. Did he ask you for updates?</p> <p>15 A. Most department directors do. I can't say</p> <p>16 that he did, because it's too much time has gone by,</p> <p>17 and I don't -- I did not notate that.</p> <p>18 Q. Did you tell him that the Houston Police</p> <p>19 Department was close to arresting Jane Draycott in</p> <p>20 connection with the investigation into the slurs?</p> <p>21 A. No.</p> <p>22 Q. No, you did not?</p> <p>23 A. No.</p> <p>24 Q. Was the Houston Police Department close to</p> <p>25 making an arrest of Jane Draycott in connection with</p> | <p style="text-align: right;">Page 111</p> <p>1 close to making an arrest. Is that correct?</p> <p>2 A. That's correct.</p> <p>3 (Exhibit 9 marked.)</p> <p>4 Q. I am going to mark what will be exhibit 9,</p> <p>5 okay? Exhibit 9 is also entitled investigative report.</p> <p>6 It's dated March 23rd, 2010, okay?</p> <p>7 A. Okay.</p> <p>8 Q. We have looked at one copy or one issue of</p> <p>9 the investigative report which is dated November 19th,</p> <p>10 2009, and is exhibit 7.</p> <p>11 Earlier when you were discussing or</p> <p>12 describing what's in the investigative report, you</p> <p>13 referenced that one was updated to include the FBI</p> <p>14 analysis with respect to handwriting samples that were</p> <p>15 taken. Do you remember that?</p> <p>16 A. Yes.</p> <p>17 Q. So is exhibit 9 the investigative report</p> <p>18 that includes reference to the FBI's handwriting</p> <p>19 analysis?</p> <p>20 A. Yes.</p> <p>21 Q. Other than that -- addition of that</p> <p>22 handwriting analysis, do you know of any additional</p> <p>23 information between that and the version dated</p> <p>24 November 19th, 2009?</p> <p>25 A. I can't answer that without reviewing side</p> |
| <p style="text-align: right;">Page 110</p> <p>1 the slurs discovered in the restroom or in the women's</p> <p>2 rest -- in the women's dorm in station 54?</p> <p>3 A. No.</p> <p>4 Q. Did sergeant McCoy ever tell you that the</p> <p>5 Houston Police Department was close to arresting Jane</p> <p>6 in connection with the slurs found in the women's dorm</p> <p>7 at station 54?</p> <p>8 A. Sergeant McCoy would not make that call.</p> <p>9 The answer to that would be no.</p> <p>10 MR. RUIZ: Take just a three-minute</p> <p>11 break.</p> <p>12 (Recess from 1:10 to 1:20 p.m.)</p> <p>13 BY MR. RUIZ:</p> <p>14 Q. Earlier I had asked you if sergeant McCoy</p> <p>15 had asked or told you that he was close to making an</p> <p>16 arrest. You said that was not his call to make. Do</p> <p>17 you remember that?</p> <p>18 A. Yes.</p> <p>19 Q. Whose call would it have been to make?</p> <p>20 A. It would have been -- ultimately it would</p> <p>21 have been between the investigative lieutenant,</p> <p>22 lieutenant David, and myself, based on the evidence</p> <p>23 that they had that would support -- that would support</p> <p>24 that conclusion.</p> <p>25 Q. I believe you testified that you were not</p> | <p style="text-align: right;">Page 112</p> <p>1 by side.</p> <p>2 Q. Okay. We won't go through that process.</p> <p>3 Thank you.</p> <p>4 Sir, looking at exhibit 9, the last</p> <p>5 page of it, which is HOU 0001541, I understand the</p> <p>6 investigative report states that no suspect has been</p> <p>7 established.</p> <p>8 And looking at exhibit 8 on the last</p> <p>9 page in summary, last page it says in summary the</p> <p>10 following is recommended --</p> <p>11 A. Which page are you referring to?</p> <p>12 Q. HOU 0001494, the second to the last page.</p> <p>13 A. Thank you.</p> <p>14 Q. And recognizing that the investigative</p> <p>15 summary states unknown employee or unknown person?</p> <p>16 A. Yes.</p> <p>17 Q. Now, do you suspect any individual in</p> <p>18 particular of being responsible for the slurs?</p> <p>19 A. No.</p> <p>20 Q. Now, did you have conversations with</p> <p>21 inspector Buenik with respect to this investigation?</p> <p>22 A. I feel certain we would have discussed it.</p> <p>23 Q. What do you remember from those</p> <p>24 conversations?</p> <p>25 A. I don't remember. Honestly, ten years,</p> |

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| <p style="text-align: right;">Page 113</p> <p>1 again, I don't recall. I would -- it would have been</p> <p>2 updates.</p> <p>3 Q. Do you remember if you shared with him</p> <p>4 whether or not there was a suspect?</p> <p>5 A. Had we ever developed a suspect, would I</p> <p>6 have shared that with -- yes.</p> <p>7 Q. Do you remember whether you actually ever</p> <p>8 developed or focused on a suspect?</p> <p>9 A. No.</p> <p>10 Q. You mean you don't remember, or you just</p> <p>11 didn't?</p> <p>12 A. We just didn't because we never developed a</p> <p>13 suspect.</p> <p>14 Q. Were you ever given any direction by</p> <p>15 Mr. Buenik -- am I pronouncing his name right?</p> <p>16 A. You are.</p> <p>17 Q. Were you ever given any direction by</p> <p>18 assistant chief Buenik in regard to the investigation</p> <p>19 into the slurs found at station 54?</p> <p>20 A. The only recollection that I have -- and of</p> <p>21 course, it's documented -- there is an exhibit that</p> <p>22 shows where -- it came from chief Hurt to have the</p> <p>23 handwriting analysis sent to the FBI.</p> <p>24 We had already done it verbally, and</p> <p>25 there was just a copy of a memo to document that verbal</p> | <p style="text-align: right;">Page 115</p> <p>1 A. Okay.</p> <p>2 Q. Captain Watkins, what is exhibit 10?</p> <p>3 A. It is the investigative report by sergeant</p> <p>4 Cheri Page assigned to the criminal investigations</p> <p>5 unit, inspector general No. 10-311.</p> <p>6 Q. Would you turn to the last page of the</p> <p>7 exhibit, sir?</p> <p>8 A. Would you give me a number?</p> <p>9 Q. It's HOU 0005758. Did I give you a copy</p> <p>10 that is not legible?</p> <p>11 A. Is this the same copy?</p> <p>12 Q. That is the same copy, but let me see your</p> <p>13 copy.</p> <p>14 A. Paginated differently?</p> <p>15 Q. Yours is two sided; mine is one sided.</p> <p>16 A. Okay.</p> <p>17 Q. So HOU 0005758, there are different</p> <p>18 signatures on that page, do you recognize any of them</p> <p>19 as your own?</p> <p>20 A. Yes.</p> <p>21 Q. Which one is yours, sir?</p> <p>22 A. The lowest signature on the page.</p> <p>23 Q. The lowest signature on the page, okay.</p> <p>24 Your signature is on the investigative report for</p> <p>25 10-311?</p> |
| <p style="text-align: right;">Page 114</p> <p>1 conversation between the chief and chief Buenik and</p> <p>2 myself.</p> <p>3 Other than that, I specifically don't</p> <p>4 recall any action, direction, no.</p> <p>5 Q. Did you ever feel any pressure to identify a</p> <p>6 suspect?</p> <p>7 A. Chief Buenik never pressured me to identify</p> <p>8 a suspect in any investigation.</p> <p>9 MR. RUIZ: Thank you. Captain Watkins,</p> <p>10 we are going to take a few minutes.</p> <p>11 (Recess from 1:27 to 1:31 p.m.)</p> <p>12 (Exhibit 10 marked.)</p> <p>13 BY MR. RUIZ:</p> <p>14 Q. Captain Watkins, I want to turn now to a</p> <p>15 different investigation involving Jane Draycott. Would</p> <p>16 you please -- I am going to mark what is going to be</p> <p>17 exhibit 10. Will you please review this exhibit? It's</p> <p>18 Bates numbered HOU 00005713, and it runs through</p> <p>19 HOU 00005758. It's dated June 4, 2010. The subject is</p> <p>20 complainant Jane Draycott, OIG No. 10-311. And the</p> <p>21 title of the document is investigative report.</p> <p>22 A. I have given exhibit 10 a cursory review.</p> <p>23 Q. Thank you. And if I am asking you questions</p> <p>24 and you need to take another moment to review, just</p> <p>25 please let me know.</p> | <p style="text-align: right;">Page 116</p> <p>1 A. Correct.</p> <p>2 Q. Does that mean you reviewed this report?</p> <p>3 A. Yes.</p> <p>4 Q. That you approved this report?</p> <p>5 A. Yes.</p> <p>6 Q. And it means that you agreed with its</p> <p>7 findings or what is in the report?</p> <p>8 A. Yes, yes.</p> <p>9 Q. Okay, thank you. I believe you testified</p> <p>10 that sergeant Cheri Page --</p> <p>11 A. Cheri.</p> <p>12 Q. -- drafted the document, sir?</p> <p>13 A. Yes.</p> <p>14 Q. Who is she, sir?</p> <p>15 A. Sergeant assigned to the criminal</p> <p>16 investigations unit under lieutenant Richard David.</p> <p>17 Q. Your understanding is that the investigation</p> <p>18 for 10-311 was run out of the OIG's criminal</p> <p>19 investigative unit?</p> <p>20 A. Yes.</p> <p>21 Q. After this document is reviewed and approved</p> <p>22 by you, is it then sent to inspector general Buenik?</p> <p>23 A. Well, there is an interesting date here that</p> <p>24 could be a reason why that didn't occur. OIG was</p> <p>25 transitioning to the legal department, and I am not</p> |

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| <p style="text-align: right;">Page 117</p> <p>1 aware of the time frame. It's been too many years, but</p> <p>2 it's possible that during that time frame that George</p> <p>3 Buenik was no longer in the chain of command, but I</p> <p>4 don't recall specifically. I just don't -- I would</p> <p>5 have to see the time frame.</p> <p>6 (Exhibit 11 marked.)</p> <p>7 Q. Okay, I understand. Thank you. What I am</p> <p>8 going to hand you is exhibit 11, sir. Now, exhibit 11</p> <p>9 is Bates stamped HOU 00005671 through HOU 00005705.</p> <p>10 A. Okay.</p> <p>11 Q. Would you please take a moment to review</p> <p>12 this document?</p> <p>13 MS. COHEN: I think it's fair to</p> <p>14 anticipate that I know we are going to have to cancel</p> <p>15 tomorrow's deposition.</p> <p>16 A. I have reviewed exhibit 11.</p> <p>17 BY MR. RUIZ:</p> <p>18 Q. Thank you very much. Sir, prior to me</p> <p>19 giving you exhibit 11, you had mentioned that you</p> <p>20 weren't sure about the process or whether or not</p> <p>21 Mr. Buenik had been the -- been delivered the</p> <p>22 investigative report because of some changes in the</p> <p>23 structure of the office at that time. Do you remember</p> <p>24 that?</p> <p>25 A. Correct.</p> | <p style="text-align: right;">Page 119</p> <p>1 A. That's correct.</p> <p>2 Q. Now, looking at exhibit 11, the last page of</p> <p>3 the investigative summary for 10-311, okay, do you</p> <p>4 recognize your signature on that last page?</p> <p>5 A. Yes.</p> <p>6 Q. Does that represent that you reviewed,</p> <p>7 agreed, and recommended what's contained in exhibit 11?</p> <p>8 A. Yes.</p> <p>9 Q. Now, investigation 10-311 is a completely</p> <p>10 different investigation from 0407, 0424. Is that</p> <p>11 correct?</p> <p>12 A. That is correct.</p> <p>13 Q. And I believe you testified that Cheri Page</p> <p>14 is with the criminal investigative unit?</p> <p>15 A. Cheri Page.</p> <p>16 Q. Thank you very much. I am going to call her</p> <p>17 sergeant Page.</p> <p>18 A. Okay.</p> <p>19 Q. Now, being that it was assigned to the</p> <p>20 criminal investigative unit, was the OIG approaching</p> <p>21 10-311 as a criminal matter?</p> <p>22 A. No.</p> <p>23 Q. Why was it assigned to the criminal</p> <p>24 investigative unit and not the employee relations unit?</p> <p>25 A. Well, I don't recall specifically. The</p> |
| <p style="text-align: right;">Page 118</p> <p>1 Q. Now, looking at exhibit 11, sir, on page</p> <p>2 HOU 5676, okay. I think it would be maybe three, four</p> <p>3 pages in, sir. Now, at the top of the page, it doesn't</p> <p>4 actually show assistant chief Buenik as a recipient.</p> <p>5 It actually directs this document to you.</p> <p>6 Looking at this document, the</p> <p>7 investigative summary, does that refresh your</p> <p>8 recollection as to it was about that same time there</p> <p>9 was a restructure with respect to the office of</p> <p>10 inspector general?</p> <p>11 A. Correct.</p> <p>12 Q. So with respect to the investigative report,</p> <p>13 which is exhibit 10, Mr. Buenik may never have actually</p> <p>14 received this document?</p> <p>15 A. Actually it's clear he would not have</p> <p>16 because of the signature line at the end of the</p> <p>17 summary, actually then David Feldman, city attorney.</p> <p>18 So by that point, the transition had taken place.</p> <p>19 Q. Okay. But with respect to the investigative</p> <p>20 report, exhibit No. 10, he may?</p> <p>21 A. He would not have. 10, 10, he would not</p> <p>22 have, correct, seen exhibit 10, because it would have</p> <p>23 gone up as a complete package.</p> <p>24 Q. And so he would not have seen exhibit 11,</p> <p>25 either?</p> | <p style="text-align: right;">Page 120</p> <p>1 criminal investigations unit handles all form of</p> <p>2 misconduct, not necessarily a criminal case. We would</p> <p>3 have sent that for the most seasoned investigator,</p> <p>4 perhaps. Cheri Page would qualify as that, someone who</p> <p>5 would get that done in a relatively short time frame</p> <p>6 because of the transition period, and we were moving</p> <p>7 employees in and out at the same time.</p> <p>8 So all those things were occurring at</p> <p>9 the same time in OIG. I don't recall the rationale</p> <p>10 behind Cheri Page being assigned that case, but it does</p> <p>11 not indicate it was based on a criminal allegation,</p> <p>12 because CIU, the name implies criminal investigation,</p> <p>13 but they also do other allegations of misconduct to</p> <p>14 City employees.</p> <p>15 Q. Was the employee relations unit still</p> <p>16 functioning?</p> <p>17 A. Oh, I am sure it was. It was in transition</p> <p>18 over to city legal.</p> <p>19 Q. But that unit was still investigating the</p> <p>20 matter?</p> <p>21 A. It was still staffed. That's correct.</p> <p>22 Q. You earlier testified that the employee</p> <p>23 relations unit investigated matters involving</p> <p>24 employment discrimination. Is that right?</p> <p>25 A. Yes.</p> |

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1 Q. As part of Ms. Page's investigation, she was
 2 required to obtain a written statement from Jane
 3 Draycott. Is that correct?
 4 **A. She would have been, yes.**
 5 Q. And for this particular investigation,
 6 OIG 10-311, what would have been the purpose of
 7 sergeant Page obtaining a statement from Jane Draycott?
 8 **A. In order to -- any allegation that's made**
 9 **requires a sworn affidavit to move forward.**
 10 Q. And that sworn statement, depending what's
 11 in there, that would inform OIG of what it is
 12 investigating. Is that correct?
 13 **A. It certainly should be, yes.**
 14 (Exhibit 12 marked.)
 15 Q. Now what I am going to do is I am going to
 16 hand you another exhibit. This is going to be
 17 exhibit 12. Would you please take a moment to review
 18 exhibit 12? It's a sworn affidavit. It's dated
 19 April 21st, 2010. And it says statement of person
 20 under oath, and the first line says before me, the
 21 undersigned authority, personally appeared Jane
 22 Draycott, who upon being duly sworn, deposed, and
 23 stated as follows.
 24 I am going to ask you some questions
 25 about her sworn statement, sir.

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1 **A. Okay.**
 2 **Okay.**
 3 Q. You had an opportunity to review exhibit 12?
 4 **A. Yes.**
 5 Q. Will you please look at exhibit 10? There
 6 is a paragraph on the first page that is under the
 7 section discovery?
 8 **A. Yes.**
 9 Q. And it describes -- well, just I suppose it
 10 describes discovery and the last statement is a sworn
 11 statement of allegations was obtained on April 21,
 12 2010, from firefighter Draycott. Would this have been
 13 the statement that --
 14 **A. This would have been what it's referencing,**
 15 **correct.**
 16 Q. Now, would you please turn to the statement
 17 which is exhibit 12. I want you to look at page Bates
 18 stamped 5761. The third to the last paragraph states:
 19 I believe I was prevented from going back to work with
 20 the fire department and specifically from returning to
 21 work at station 54 because I complained of
 22 discrimination under title 7 and complained
 23 specifically to the office of inspector general of
 24 illegal activity and because I spoke publicly in
 25 opposition to what I regarded as discriminatory and

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1 retaliatory activities at the fire department.
 2 Do you see that, sir?
 3 **A. Yes.**
 4 Q. Did I read that correctly?
 5 **A. Yes.**
 6 Q. What is your understanding of what
 7 Ms. Draycott is complaining about in that paragraph?
 8 **A. She is complaining that she was prevented --**
 9 **as it says, prevented from -- I will -- I can reread**
 10 **what you just read, if you want. All I am going to say**
 11 **is say it in her words.**
 12 Q. Let me ask you this.
 13 Does it appear to you that she is
 14 complaining of employment discrimination?
 15 **A. Yes. It states so, that complained of**
 16 **discrimination under title 7, which she did with the**
 17 **EEOC -- we will get back to that -- and complained**
 18 **specifically to the office of inspector general of**
 19 **illegal activity, whatever that might be. It's**
 20 **undefined here.**
 21 Q. Does it also appear to you that she is
 22 complaining about retaliation for complaining about
 23 discrimination?
 24 **A. She is saying she is prevented from**
 25 **returning to work and discrimination under title 7.**

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1 Q. Does that appear to you that she is
 2 complaining about retaliation?
 3 MS. COHEN: Objection; calls for
 4 speculation. The document speaks for itself.
 5 **A. She states discriminatory and retaliatory**
 6 **activities.**
 7 BY MR. RUIZ:
 8 Q. She also states that she believes she was
 9 prevented from going back to work specifically because
 10 she complained, right?
 11 **A. She says I believe I was prevented from**
 12 **going back to work, correct.**
 13 Q. Does -- as a person who was in charge of
 14 OIG, does that not ring of a person complaining of
 15 retaliation?
 16 MS. COHEN: Objection; calls for
 17 speculation. The document speaks for itself.
 18 **A. I don't recall what was -- what was**
 19 **discussed at the time this complaint came through. I'm**
 20 **not sure I understand the question.**
 21 BY MR. RUIZ:
 22 Q. Sir, you were assistant commander of that
 23 unit, correct?
 24 **A. Yes.**
 25 Q. OIG?

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| <p style="text-align: right;">Page 125</p> <p>1 A. Yes.</p> <p>2 Q. Part of OIG's responsibility was to</p> <p>3 investigate complaints of employment discrimination,</p> <p>4 correct?</p> <p>5 A. That is correct.</p> <p>6 Q. In that subset of employment discrimination</p> <p>7 is retaliation for complaining about employment</p> <p>8 discrimination. You understand that, right?</p> <p>9 A. Yes.</p> <p>10 Q. Now, looking at that statement, you can't</p> <p>11 tell me whether or not you believe she is complaining</p> <p>12 about retaliation or not?</p> <p>13 A. It is in her statement, yes. So I already</p> <p>14 acknowledged that, that it's in her statement, yes.</p> <p>15 Q. Okay. So you understand that -- reading</p> <p>16 that, you understand that she is complaining about</p> <p>17 retaliation?</p> <p>18 A. That's what she is complaining about.</p> <p>19 That's correct, yes.</p> <p>20 Q. Thank you. There are other allegations</p> <p>21 Ms. Draycott's statement -- that are in Ms. Draycott's</p> <p>22 statements. Did you see those?</p> <p>23 A. I am sorry.</p> <p>24 Q. There are other allegations she makes in her</p> <p>25 statement other than that --</p> | <p style="text-align: right;">Page 127</p> <p>1 speculation. The document speaks for itself.</p> <p>2 You can answer if you can.</p> <p>3 A. The larger question is not the issue. The</p> <p>4 issue is whether we investigated the allegations that</p> <p>5 are put forth, and the answer is yes.</p> <p>6 BY MR. RUIZ:</p> <p>7 Q. The answer to what is yes?</p> <p>8 A. That we investigated the allegations that</p> <p>9 are set forth in this document that you are asking me</p> <p>10 to review, exhibit 12.</p> <p>11 Q. So looking at that statement, you wouldn't</p> <p>12 believe it was the responsibility of the OIG to</p> <p>13 investigate whether or not -- or determine whether or</p> <p>14 not Jane Draycott was being retaliated against for</p> <p>15 complaining about discrimination?</p> <p>16 A. I think the sustained complaint -- let me go</p> <p>17 back and review.</p> <p>18 Exhibit 11 cites the fire chief for</p> <p>19 allowing that misconduct to occur. There is no higher</p> <p>20 authority in that meeting.</p> <p>21 Q. What are --</p> <p>22 A. I believe the investigation adequately</p> <p>23 addressed that based on the information that we had in</p> <p>24 this particular complaint. I don't see the record of</p> <p>25 complaint, but I do have the sworn statement.</p> |
| <p style="text-align: right;">Page 126</p> <p>1 A. Yes, yes.</p> <p>2 Q. -- that one complaint?</p> <p>3 A. Yes.</p> <p>4 Q. Now, looking at her statement, now, is the</p> <p>5 larger question whether or not she was being retaliated</p> <p>6 against?</p> <p>7 MS. COHEN: Objection; calls for</p> <p>8 speculation. The document speaks for itself.</p> <p>9 A. It would be unknown based on the statement</p> <p>10 alone.</p> <p>11 BY MR. RUIZ:</p> <p>12 Q. So looking at this document, you can't tell</p> <p>13 me whether or not the larger question that needs to be</p> <p>14 addressed is whether or not everything she alleges in</p> <p>15 this document amounts to retaliation for her</p> <p>16 complaining about discriminatory acts?</p> <p>17 MS. COHEN: Same.</p> <p>18 A. Everything in this document needs to be</p> <p>19 investigated.</p> <p>20 BY MR. RUIZ:</p> <p>21 Q. Is the larger question that has to be</p> <p>22 addressed whether or not everything that she alleges</p> <p>23 amounts to retaliation for her complaining about</p> <p>24 discrimination?</p> <p>25 MS. COHEN: Objection; vague, calls for</p> | <p style="text-align: right;">Page 128</p> <p>1 Q. Well, what does that mean to you?</p> <p>2 A. It means that the complaint was adequately</p> <p>3 investigated and the appropriate person was cited in</p> <p>4 that investigation.</p> <p>5 Q. With respect to the issue of whether or not</p> <p>6 she was prevented from returning to work because she</p> <p>7 had complained about -- she had made a complaint of</p> <p>8 discrimination, what do those findings mean?</p> <p>9 MS. COHEN: Objection; asked and</p> <p>10 answered.</p> <p>11 A. I simply don't remember that. That was too</p> <p>12 many years ago. I do not believe -- I believe that her</p> <p>13 attorney at the time was involved with the fire</p> <p>14 department, whether she was or was not able to return</p> <p>15 to work, but I don't recall specifically that being the</p> <p>16 case.</p> <p>17 BY MR. RUIZ:</p> <p>18 Q. Well, we will see if we can slow this down</p> <p>19 and go step by step, okay?</p> <p>20 A. Okay.</p> <p>21 Q. Will you turn back to the investigative</p> <p>22 report, sir, for 311, which is exhibit 10?</p> <p>23 A. Yes -- no. The investigative report?</p> <p>24 Q. Yes.</p> <p>25 A. Okay.</p> |

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| <p>Page 129</p> <p>1 Q. Now, is the investigative report for 311</p> <p>2 just a summary of witness statements collected by</p> <p>3 sergeant Page in this case?</p> <p>4 A. Yes, yes. It formed the basis of the</p> <p>5 complaint -- the basis of the investigation was that</p> <p>6 the group meeting, the roll call, her return to work,</p> <p>7 yes.</p> <p>8 Q. Is the investigative report for 311 anything</p> <p>9 more than just a summary of the witness statements</p> <p>10 collected by sergeant Page in this matter?</p> <p>11 A. It appears to be that's the case.</p> <p>12 Q. It appears to be more than that or just</p> <p>13 that?</p> <p>14 A. It appears to be just that. I could,</p> <p>15 however, be mistaken. I am just giving it a cursory</p> <p>16 look.</p> <p>17 Q. Let's go ahead and look at it. We need to</p> <p>18 find out what the investigative report is.</p> <p>19 A. Give me a couple minutes.</p> <p>20 Q. Yes, sir.</p> <p>21 A. Okay. There is some physical evidence</p> <p>22 collected, exhibit 25 through 27, but other than that</p> <p>23 it was just a collection of statements.</p> <p>24 Q. Thank you. Now, is there any recommendation</p> <p>25 made by sergeant Page in the investigative report?</p> | <p>Page 131</p> <p>1 correct?</p> <p>2 A. She would not have. That's correct.</p> <p>3 Q. Okay. Did sergeant Page report verbally to</p> <p>4 you whether she made any other findings that are not</p> <p>5 included in that investigative report?</p> <p>6 MS. COHEN: Objection; mischaracterizes</p> <p>7 the scope of sergeant Page's duties.</p> <p>8 A. I don't recall.</p> <p>9 BY MR. RUIZ:</p> <p>10 Q. If there was evidence collected by sergeant</p> <p>11 Page that was important to investigation OIG O311,</p> <p>12 would that evidence be described in the investigative</p> <p>13 report?</p> <p>14 A. It should be, correct.</p> <p>15 Q. If sergeant Page found evidence important to</p> <p>16 OIG investigation 10-311, am I correct that the</p> <p>17 evidence would be referenced in the investigative</p> <p>18 report?</p> <p>19 A. It should be.</p> <p>20 Q. Well, looking at the front page of</p> <p>21 exhibit 10, the investigative report, sir -- sir, I</p> <p>22 want to understand the review process here.</p> <p>23 Sergeant Page, would she have submitted</p> <p>24 it directly to you or to lieutenant David?</p> <p>25 A. Lieutenant David.</p> |
| <p>Page 130</p> <p>1 A. Sergeant Page? No.</p> <p>2 Q. I have that name correct, right?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Do you see any finding or</p> <p>5 recommendation with respect to Ms. Draycott's</p> <p>6 allegation that she was prevented from returning to</p> <p>7 work at station 54 because she complained of</p> <p>8 discrimination under title 7 in the investigative</p> <p>9 report?</p> <p>10 A. I did not see that in the investigative</p> <p>11 report.</p> <p>12 Q. So what did sergeant Page investigate?</p> <p>13 A. The roll call incident that occurred on, I</p> <p>14 believe, January the 13th, 2010.</p> <p>15 Q. Is it fair to say that what she investigated</p> <p>16 was the factual allegations surrounding Jane Draycott's</p> <p>17 retaliation complaint?</p> <p>18 A. Yes.</p> <p>19 MS. COHEN: Objection.</p> <p>20 BY MR. RUIZ:</p> <p>21 Q. But sergeant Page didn't make a conclusion</p> <p>22 as to whether she found retaliation or not. Is that</p> <p>23 correct?</p> <p>24 A. She did not.</p> <p>25 Q. And she wasn't supposed to. Is that</p> | <p>Page 132</p> <p>1 Q. And looking at the last page of exhibit 10,</p> <p>2 sir, would you look at that last page, above your</p> <p>3 initials? Do you recognize those are lieutenant</p> <p>4 David's initials?</p> <p>5 A. Yes.</p> <p>6 Q. After he reads it and approves it, it gets</p> <p>7 forwarded to you. Is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. And then we already talked about that your</p> <p>10 understanding is that director Buenik did not receive</p> <p>11 this document?</p> <p>12 A. It's my understanding that is correct.</p> <p>13 Q. Within OIG you would have been the highest</p> <p>14 ranking official to review and approve the document?</p> <p>15 A. Within OIG, that's correct.</p> <p>16 Q. Now, earlier I asked you why the matter was</p> <p>17 assigned to sergeant Page. Do you recall that?</p> <p>18 A. Yes.</p> <p>19 Q. I believe you said it's because she was --</p> <p>20 she could conduct an expedient investigation. Is that</p> <p>21 what you --</p> <p>22 A. I said it could be. I don't recall</p> <p>23 specifically.</p> <p>24 Q. Do you know if sergeant Page typically</p> <p>25 investigated employment discrimination matters?</p> |

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| <p style="text-align: right;">Page 133</p> <p>1 A. Routinely?</p> <p>2 Q. Yes, sir.</p> <p>3 A. Not routinely.</p> <p>4 Q. Not routinely. Those matters were routinely</p> <p>5 investigated by the employee relations unit. Is that</p> <p>6 right?</p> <p>7 A. Not exclusively, but yes.</p> <p>8 Q. Were they routinely, like in -- would the</p> <p>9 employee relations unit typically be the unit that</p> <p>10 investigated employment discrimination matters?</p> <p>11 A. Generally speaking, yes. It's always</p> <p>12 subject to being assigned to another investigative</p> <p>13 unit.</p> <p>14 Q. Okay. Are the investigators in the criminal</p> <p>15 investigative unit provided -- were they at the time --</p> <p>16 specified training on investigating employment</p> <p>17 discrimination matters?</p> <p>18 A. Not specific to the office of inspector</p> <p>19 general. Training such as that would have applied as</p> <p>20 it is universally in the department.</p> <p>21 So the answer would be they are all</p> <p>22 internal affairs investigators, also. So that would</p> <p>23 have been a part of their training, as well.</p> <p>24 So I suppose the long answer to that --</p> <p>25 or the short answer, rather, would be yes, since that</p> | <p style="text-align: right;">Page 135</p> <p>1 component of that investigation and you read and</p> <p>2 approved the document, where would you have sent it?</p> <p>3 A. To the city attorney.</p> <p>4 Q. Can you please turn to HOU 00005704? Is</p> <p>5 this the recommendations section that you indicated</p> <p>6 would be part of the investigative summary?</p> <p>7 A. Yes.</p> <p>8 Q. I am sorry, sir. You are --</p> <p>9 A. I am looking at different pages, but yes,</p> <p>10 your page is --</p> <p>11 Q. I am looking at Bates number --</p> <p>12 A. I was looking on your right. Thank you.</p> <p>13 You're left handed. I should have noticed.</p> <p>14 Q. That's my outline, what I have on my left.</p> <p>15 A. Yes, yes, yes.</p> <p>16 Q. Is it the same exhibit you have?</p> <p>17 A. Yes, yes.</p> <p>18 Q. Now, looking at his recommendation, sir, did</p> <p>19 you speak to lieutenant David about the recommendations</p> <p>20 he makes in his investigative summary?</p> <p>21 A. Again, I don't know specifically. Too many</p> <p>22 years have gone by, but I am sure I did, but I can't</p> <p>23 state with absolute certainty.</p> <p>24 Q. Do you see any recommendation on that page</p> <p>25 with respect to Ms. Draycott's allegation that she was</p> |
| <p style="text-align: right;">Page 134</p> <p>1 would have come across as not only departmental</p> <p>2 training, but specifically internal affairs training,</p> <p>3 as well.</p> <p>4 Q. Now, that specific internal affairs</p> <p>5 training, do you know that it actually addresses</p> <p>6 investigating employment discrimination claims?</p> <p>7 A. I can't say when exactly they came through</p> <p>8 and what it addressed. I would have to look at</p> <p>9 training records, and I would have to look at all the</p> <p>10 documents that are associated with it. What I am</p> <p>11 saying is I believe that would be the case.</p> <p>12 Q. Thank you. Sir, looking at exhibit 11, the</p> <p>13 investigative summary for OIG 10-311, what is the</p> <p>14 purpose of the investigative summary for OIG 10-311?</p> <p>15 A. To summarize the facts in the investigation</p> <p>16 and then to make recommendations and conclusions.</p> <p>17 Q. Now, I recognize that it was -- once it was</p> <p>18 drafted and written by -- or drafted by lieutenant</p> <p>19 David, it was then reviewed and approved by you. Is</p> <p>20 that correct?</p> <p>21 A. And ultimately I would assume the city</p> <p>22 attorney at that time, David Feldman.</p> <p>23 Q. Okay.</p> <p>24 A. But I don't know. I don't recall.</p> <p>25 Q. Okay. Once the OIG had completed its</p> | <p style="text-align: right;">Page 136</p> <p>1 prevented from returning to work at station 54 because</p> <p>2 she complained of discrimination under title 7?</p> <p>3 MS. COHEN: I am going to object based</p> <p>4 on the rule of optional completeness as there was a</p> <p>5 separate investigation into that matter.</p> <p>6 A. It's not indicated on the page.</p> <p>7 BY MR. RUIZ:</p> <p>8 Q. Do you know of another report that was</p> <p>9 contained in?</p> <p>10 A. I do not know, but I left the inspector</p> <p>11 general's office this very month. So I am not -- I</p> <p>12 don't know.</p> <p>13 MR. RUIZ: Take two minutes.</p> <p>14 (Recess from 2:23 to 2:27 p.m.)</p> <p>15 MS. COHEN: They are recommending that</p> <p>16 people who are parked in that lot move their vehicles.</p> <p>17 BY MR. RUIZ:</p> <p>18 Q. Captain Watkins, I want you to please refer</p> <p>19 to exhibit 12.</p> <p>20 A. Okay.</p> <p>21 Q. In your review of exhibit 12, do you see</p> <p>22 that Jane Draycott -- Jane Draycott is complaining of</p> <p>23 acts at a roll call at station 54 on January 13, 2010?</p> <p>24 A. Correct.</p> <p>25 Q. Was there any determination by OIG for the</p> |

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1 acts of which she complained about were retaliatory?

2 **A. Could you restate that question for me?**

3 Q. Was there any determination by OIG whether

4 the acts that -- the acts that Jane Draycott complained

5 about were -- were retaliatory?

6 **A. Did OIG conclude that?**

7 Q. Make that determination?

8 **A. No.**

9 Q. Okay. Either way, whether they were

10 retaliatory or not?

11 **A. Not in this -- not as far as investigation**

12 **10-311.**

13 Q. Thank you. Sir, I want to bring out

14 exhibit 9 one more time, sir. Exhibit 9 is the

15 investigative report for 0407, and I want you to turn

16 to HOU 00001538. On that page it describes, about

17 halfway down the page, some polygraph testing that

18 occurred. I am going to ask you about the paragraph

19 that begins the first, second, third -- fourth

20 paragraph down that begins when the tests were

21 completed, firefighter Keyes showed no deception.

22 I want to ask you about the paragraph.

23 I am going to ask you about that paragraph.

24 **A. Okay.**

25 Q. Are you prepared?

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1 **A. Yes.**

2 Q. Now, that paragraph reads: When the tests

3 were completed, firefighter Keyes showed no deception,

4 and firefighter Draycott was suspected of using

5 countermeasures.

6 Do you see that, sir?

7 **A. Yes.**

8 Q. The -- what information do you recall about

9 firefighter Draycott being suspected of using

10 countermeasures?

11 **A. It was based on the polygrapher's initial**

12 **report, and the review that was conducted by department**

13 **of credibility, DACA, Department of Credibility and**

14 **Defense Assessment, something like that.**

15 Q. I think it's Credibility Assessment.

16 **A. Thank you.**

17 Q. Now, how did you learn about Jane Draycott

18 being suspected of using countermeasures?

19 **A. It was reported by the polygrapher based on**

20 **the results of the atypical physiology, I believe was**

21 **the way they termed that.**

22 Q. Did the polygrapher report that to you, or

23 was it reported to you through sergeant McCoy?

24 **A. It would have been reported through the --**

25 **through the polygrapher's report, then to sergeant**

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1 **McCoy, then ultimately to me.**

2 Q. Okay. You would have learned about that

3 through the investigative report. Is that --

4 **A. Had I not already known, I probably already**

5 **was aware of it, but I don't know specifically.**

6 Q. Okay. Now, were the countermeasures she was

7 suspected of using ever identified to you?

8 **A. No.**

9 Q. What does suspected of using countermeasures

10 mean?

11 **A. Well, I would have to refer to a polygrapher**

12 **for that. I mean, I can give my layman's opinion of**

13 **that.**

14 Q. No, no. You don't know --

15 **A. I am not qualified to make that**

16 **determination.**

17 Q. Thank you.

18 **A. That's why we rely on individuals that are,**

19 **you know -- have the training and expertise in that**

20 **area.**

21 Q. Thank you. So notwithstanding the suspected

22 countermeasures that were reported by the polygrapher,

23 you still did not consider her a suspect, right?

24 **A. Not at that point. She is not a suspect.**

25 Q. And she still isn't. Is that correct?

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1 **A. No. She was never considered a suspect.**

2 MR. RUIZ: Thank you. Just one minute,

3 sir.

4 (Recess from 2:33 to 2:39 p.m.)

5 BY MR. RUIZ:

6 Q. Captain Watkins, I want to ask you a couple

7 more questions about exhibit 11, specifically the last

8 page, which would be Bates number HOU 0005705. I just

9 want to make sure I understand what happened after

10 exhibit 11, which is -- 5705?

11 **A. Sorry. My ears.**

12 Q. I just want to make sure I understand what

13 happened after you read and approved this.

14 I recognize there is a signature block

15 that's empty here, David Feldman, city attorney. After

16 you read and approved it, what do you recall doing with

17 the document?

18 **A. It would have gone to the city attorney's**

19 **office.**

20 Q. Do you recall if the document was sent

21 anywhere else?

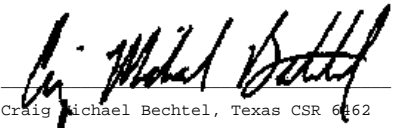
22 **A. I don't recall.**

23 Q. Okay.

24 **A. You know, I -- I would have -- I would have**

25 **no reason to think it was sent anywhere else. I just**

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| <p style="text-align: right;">Page 141</p> <p>1 simply don't know.</p> <p>2 Again, it was a transition period which</p> <p>3 makes this incredibly difficult to ascertain that, for</p> <p>4 sure.</p> <p>5 Q. Earlier, sir, when you were covering</p> <p>6 investigation No. 0424, there was a disposition letter</p> <p>7 that was sent to Jane Draycott on January 13th, 2010?</p> <p>8 A. Yes.</p> <p>9 Q. I believe it is exhibit 6, sir.</p> <p>10 Now, during this transition that was</p> <p>11 going on with OIG, what office would have been</p> <p>12 responsible for sending Ms. Draycott a case disposition</p> <p>13 letter like this for OIG 10-311?</p> <p>14 A. Who would have prepared this, or who would</p> <p>15 have sent it?</p> <p>16 Q. Okay. Let's begin with who would have</p> <p>17 prepared it.</p> <p>18 A. It would have been prepared by -- in the</p> <p>19 case of 0424 by the employee investigations unit</p> <p>20 manager.</p> <p>21 Q. I want to know if one of those case</p> <p>22 disposition letters was prepared for OIG 311?</p> <p>23 A. Oh, if it's not in the case file, I can't</p> <p>24 respond. I simply don't know.</p> <p>25 Q. You don't know, okay. You don't know if one</p> | <p style="text-align: right;">Page 143</p> <p>1 for you.</p> <p>2 So Marjorie?</p> <p>3 MS. COHEN: We will reserve for trial.</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |
| <p style="text-align: right;">Page 142</p> <p>1 was sent?</p> <p>2 A. I have no -- I have no idea without seeing a</p> <p>3 document that supports that.</p> <p>4 Q. Okay. Just generally, during that</p> <p>5 transition, sir, just generally do you know if those</p> <p>6 case disposition letters were being sent to</p> <p>7 complainants.</p> <p>8 A. I would not know. This was in the case of</p> <p>9 311?</p> <p>10 Q. Yes, sir, or generally at that time for -- I</p> <p>11 am trying to figure out -- it sounds like there was</p> <p>12 some kind of transition during the end of or mid 2010</p> <p>13 where --</p> <p>14 A. Yes, where files were being transferred,</p> <p>15 responsibilities were being changed.</p> <p>16 Q. Were case deposition letters still being</p> <p>17 sent to complainants?</p> <p>18 A. I am unable to answer that with any</p> <p>19 certainty. I would like to think so, but....</p> <p>20 MR. RUIZ: Thank you. Sir, thank you</p> <p>21 so much. Those are the questions that I had.</p> <p>22 Depending on what's being asked by Nasim or Ms. Cohen,</p> <p>23 I may have a couple followups. But thank you very much</p> <p>24 for answering the questions.</p> <p>25 MR. AHMAD: I do not have any questions</p> | <p style="text-align: right;">Page 144</p> <p>1 CORRECTIONS AND SIGNATURE</p> <p>2 PAGE LINE CHANGE REASON</p> <p>3 _____</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 I, DAVID EVANS WATKINS, have read the foregoing</p> <p>25 deposition and hereby affix my signature that same is</p> |

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| <p>1 true and correct, except as noted herein.</p> <p>2</p> <p>3 _____</p> <p>4 DAVID EVANS WATKINS</p> <p>5 THE STATE OF _____)</p> <p>6 COUNTY OF _____)</p> <p>7 Before me, _____, on this</p> <p>8 day personally appeared DAVID EVANS WATKINS, known to me</p> <p>9 (or proved to me under oath through _____)</p> <p>10 (description of identity card or other document) to be</p> <p>11 the person whose name is subscribed to the foregoing</p> <p>12 instrument and acknowledged to me that they executed the</p> <p>13 same for the purposes and consideration therein</p> <p>14 expressed.</p> <p>15</p> <p>16 Given under my hand and seal of office this</p> <p>17 _____ day of _____, _____.</p> <p>18</p> <p>19 _____</p> <p>20 NOTARY PUBLIC IN AND FOR</p> <p>21 THE STATE OF _____</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> | <p>1 That the amount of time used by each party at the</p> <p>2 deposition is as follows:</p> <p>3 Mr. Hector Ruiz - 03:55</p> <p>4 That pursuant to information given to the</p> <p>5 deposition officer at the time said testimony was taken,</p> <p>6 the following includes counsel for all parties of</p> <p>7 record:</p> <p>8 COUNSEL FOR PLAINTIFF UNITED STATES OF AMERICA:</p> <p>9 Mr. Hector F. Ruiz, Jr.</p> <p>10 Mr. Jeremy P. Monteiro</p> <p>11 U.S. Department of Justice</p> <p>12 Civil Rights Division</p> <p>13 601 D Street, NW, Room 4500</p> <p>14 Washington, DC 20004</p> <p>15 hector.ruiz@usdoj.gov</p> <p>16 jeremy.monteiro@usdoj.gov</p> <p>17 and</p> <p>18 Ms. Elizabeth F. Karpati</p> <p>19 Mr. Keith Edward Wyatt</p> <p>20 U.S. Department of Justice</p> <p>21 Southern District of Texas</p> <p>22 1000 Louisiana, Suite 2300</p> <p>23 Houston, Texas 77002</p> <p>24 713-567-9767</p> <p>25 elizabeth.karpati@usdoj.gov</p> <p>keith.wyatt@usdoj.gov</p> <p>COUNSEL FOR PLAINTIFFS JANE DRAYCOTT AND PAULA KEYES:</p> <p>Mr. Nasim Ahmad</p> <p>(VIA TELEPHONE)</p> <p>Ahmad & Capodice</p> <p>24900 Pitkin, Suite 300</p> <p>The Woodlands, Texas 77386</p> <p>832-767-3207</p> <p>nahmad@ahmad-capodice.com</p> |
| <p>1 UNITED STATES DISTRICT COURT</p> <p>2 FOR THE SOUTHERN DISTRICT OF TEXAS</p> <p>3 HOUSTON DIVISION</p> <p>4 UNITED STATES OF : AMERICA : : VS. : CIVIL ACTION NO. 4:18-CV-00644 : CITY OF HOUSTON : : JANE DRAYCOTT AND : PAULA KEYES : : VS. : : CITY OF HOUSTON : : : REPORTER'S CERTIFICATION DEPOSITION OF DAVID EVANS WATKINS September 19, 2019</p> <p>15 I, Craig Michael Bechtel, Certified Shorthand</p> <p>16 Reporter in and for the State of Texas, hereby certify</p> <p>17 to the following:</p> <p>18 That the witness, DAVID EVANS WATKINS, was duly</p> <p>19 sworn by the officer and that the transcript of the oral</p> <p>20 deposition is a true record of the testimony given by</p> <p>21 the witness;</p> <p>22 That the deposition transcript was submitted on</p> <p>23 _____ to the witness or to the attorney</p> <p>24 for the witness for examination, signature and return to</p> <p>25 me by _____;</p> | <p>1 COUNSEL FOR DEFENDANT:</p> <p>2 Ms. Marjorie L. Cohen</p> <p>3 City of Houston Legal Department</p> <p>4 900 Bagby, 3rd Floor</p> <p>5 Houston, Texas 77002</p> <p>6 832-393-6457</p> <p>7 marjorie.cohen@houston.tx.gov</p> <p>8 I further certify that I am neither counsel for,</p> <p>9 related to, nor employed by any of the parties or</p> <p>10 attorneys in the action in which this proceeding was</p> <p>11 taken, and further that I am not financially or</p> <p>12 otherwise interested in the outcome of the action.</p> <p>13 Further certification requirements will be</p> <p>14 certified to after they have occurred.</p> <p>15 Certified to by me this 7th day of</p> <p>16 October, 2019.</p> <p>17</p> <p>18 </p> <p>19 Craig Michael Bechtel, Texas CSR 6462</p> <p>20 Lexitas</p> <p>21 Firm Registration No. 95</p> <p>22 13101 Northwest Freeway, Suite 210</p> <p>23 Houston, Texas 77040</p> <p>24 888-893-3767</p> <p>25 Expiration: 10-31-21</p> |

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